



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 20, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend George E. Stevenson, Pastor, East Gate Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Friday, May 21, 2004, at 7:00 p.m., and Saturday, May 22, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring May 16 – 22, 2004 as Business Appreciation Week.

Proclamation declaring May 16 – 22, 2004 as Emergency Medical Services Week.

P 11

Proclamation declaring May 16 – 22, 2004 as National Public Works Week.

P 12

Proclamation declaring May 20, 2004 as Sarah-Elizabeth Virginia Hurt Day.

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3.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of a special meeting of Council held on Tuesday, November 25, 2003; and the regular meeting of Council held on Monday, April 5, 2004.

P 14;
P 17

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 18

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to expansion of the Downtown Service District.

P 19

RECOMMENDED ACTION: Concur in the request.

- C-4 A request of G. Michael Pace, Jr., Attorney, representing SunCom, that Council schedule a public hearing for Monday, June 7, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to the construction and operation of a 110-foot flagpole communication facility and related equipment on a portion of City-owned property located at the Roanoke Civic Center.

P 44

RECOMMENDED ACTION: Concur in the request.

- C-5 A communication from Carl T. Tinsley, Sr., Secretary, Roanoke City Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on May 4, 2004.

P 45

RECOMMENDED ACTION: Receive and file.

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION: Receive and file.

- C-7 Qualification of the following persons:

M. Rupert Cutler as a City representative to the Board of Directors, Western Virginia Water Authority, for a term commencing March 2, 2004 and ending March 1, 2006; and

Randy L. Leftwich as a member of the Human Services Committee for a term ending June 30, 2004.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Technology Trust funds from the State Compensation Board, for reimbursement to the Circuit Court Clerk's Office , in the amount of \$29,708.00.
2. Amendment to the City Code to reflect an increase in the "distance rate" for taxi-cab service in the City of Roanoke.
3. Appropriation of \$110,000.00 from the Virginia Department of Transportation for disbursement to the Western Virginia Foundation for the Arts and Sciences, in connection with the Roanoke Passenger Station Renovation Project.
4. Acceptance of Juvenile Accountability Block Grant Incentive Program funds from the Department of Criminal Justice Services, in connection with the TAP-Project Recovery program.

P 50;
B/O 53

P 54;
O 56

P 58;
B/O 60

P 61;
B/O 62;
R 63

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds from the 2003-04 Capital Maintenance and Equipment Replacement Fund and the Alternative Education Program; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 64;
B/O 66

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS. NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 20, 2004
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVT Channel 3 to be replayed on Friday, May 21, 2004, at 7:00 p.m., and Saturday, May 22, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

A. PUBLIC HEARINGS:

1. Request of Fudds of S.W.VA., Inc., that property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, be rezoned from RS-3, Residential Single Family District, to C-2 General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney. P 67;
O 82
2. Request of the Unified Human Services Transportation System, Inc. (RADAR), for exemption from local real estate taxation of real property located between Breckinridge Avenue and Baker Avenue, N. W. Wilburn C. Dibling, Jr., Attorney. P 84;
O 92
3. Amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Wireless Telecommunications Policy. R. Brian Townsend, Agent, City Planning Commission. P 95;
O 109

B. OTHER BUSINESS:

- 1(a). Petition for appeal of a decision of the Architectural Review Board, filed by Steven S. Dugger, with regard to property located at 717 Highland Avenue, S. W. P 111
- (b). Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the above-referenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons. P 113
- 2(a). Petition for appeal of a decision of the Architectural Review Board, filed by Edward A. Natt, Attorney, representing Rhodney Tozier and Travis Tozier, d/b/a Community Properties, LLC, with regard to property located at 365 Washington Avenue, S. W. P 126

- (b). Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the above-referenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

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C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

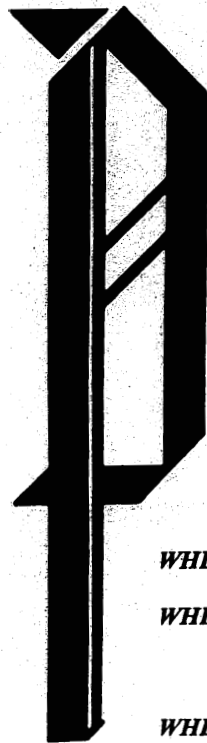
**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, *Emergency Medical Services is a vital public service; and*

WHEREAS, *members of emergency medical services teams are ready to provide lifesaving care to those in need, 24 hours a day, seven days a week; and*

WHEREAS, *access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

WHEREAS, *the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and*

WHEREAS, *emergency medical service teams engage in thousands of hours of specialized training and continuing education to enhance lifesaving skills; and*

WHEREAS, *it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and*

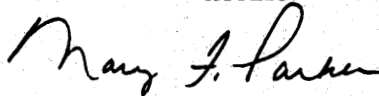
WHEREAS, *Roanoke Fire-EMS is joined by other concerned citizens of Roanoke, as well as other emergency service providers and safety advocates, businesses, schools, service clubs and organizations, in their safety efforts.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, *in recognition of the outstanding services performed by these individuals, do hereby proclaim the week of May 16 – 22, 2004, throughout this great All-America City, as*

EMERGENCY MEDICAL SERVICES WEEK.

Given under our hands and the Seal of the City of Roanoke this fourteenth day of May in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, public works services provided by employees of the City of Roanoke to the community play an integral role in the everyday lives of our citizens; and

WHEREAS, the support of an informed citizenry is vital to the efficient operation of the public works functions performed by the Department of Public Works, Department of Utilities and Department of General Services, Divisions of Facilities Management and Fleet Management; and

WHEREAS, these functions include solid waste management, engineering, transportation, water/wastewater, utility line services, facilities management and fleet management; and

WHEREAS, the health, safety, comfort and quality of life for all citizens of this community greatly depends on public works functions; and

WHEREAS, the dedication of the personnel who perform public works functions, twenty-four hours a day, seven days a week, is recognized and appreciated; and

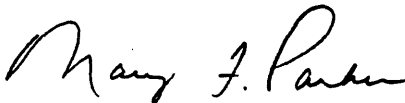
WHEREAS, public works equipment will be displayed on Friday, May 21, 2004, from 11:00 a.m. to 1:00 p.m., in the City Market area.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, commend the dedicated efforts of staff of the Public Works Department, and do hereby proclaim May 16 – 22, 2004, throughout this great All-America City, as

NATIONAL PUBLIC WORKS WEEK.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of May in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, America's Junior Miss Program originated in 1957 as a way to recognize high school senior girls for achievements in the areas of scholastics, talent, fitness and poise; and

WHEREAS, the Virginia Junior Miss Program began in 1960; this year twenty-three contestants participated in the state program held on February 21 - 29, 2004, at Salem High School; this national outreach program is geared toward youth who strive to "Be Your Best Self" by eating the right foods, staying fit, getting a good education, living by moral principals, serving the community and setting goals and working to achieve those goals; and

WHEREAS, Sarah-Elizabeth Virginia Hurt is the 2004 Virginia's Junior Miss; she was born on June 30, 1986, and is a native of the Roanoke Valley; she is the daughter of Leroy and Carol Hurt and she has one brother, Adam; and

WHEREAS, Ms. Hurt is a senior at Roanoke Catholic School; she plans to attend the honors program at Virginia Polytechnic and State University in the fall and pursue a career in trauma surgery, where she hopes to use her talents in a third-world country; and

WHEREAS, Ms. Hurt is a member of numerous community, school and church organizations, including having served as an outstanding original member of the City of Roanoke Youth Commission, Secretary of the Student Government Association Executive Council, Vice President of the National Honor Society; she has provided musical support to Barnhardt Baptist Church and Roanoke Catholic School; and she is an accomplished pianist and dancer; and

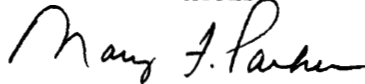
WHEREAS, Ms. Hurt will compete for scholarship funds with state winners from each of the 49 other states in Mobile, Alabama, on June 26, 2004.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, in recognition of her personal accomplishments and dedication to community service, do hereby proclaim Thursday, May 20, 2004, throughout this great All-America City, as

SARAH-ELIZABETH VIRGINIA HURT DAY.

Given under our hands and the Seal of the City of Roanoke this fourteenth day of May in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

SPECIAL SESSION ---- ROANOKE CITY COUNCIL

November 25, 2003

3:30 p.m.

The Council of the City of Roanoke met in special session on Tuesday, November 25, 2003, at 3:30 p.m., in the City Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Section 10, Meetings of Council Generally, Charter of the City of Roanoke, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr. (arrived late), C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Mary F. Parker, City Clerk.

The special meeting was called pursuant to the following communication from Vice-Mayor Harris:

"November 24, 2003

**The Honorable Mayor and
Members of Roanoke City Council
Roanoke, Virginia**

Dear Mayor Smith and Members of Council:

Pursuant to Section 10, Meetings of Council Generally, Chapter 10 of the City Charter, I am calling a special meeting of Council for Tuesday, November 25, 2003, at 3:30 p.m., in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke. The purpose of the meeting will be to discuss appointment of a Constitutional Officer.

Sincerely,

S/C. Nelson Harris

**C. Nelson Harris
Vice-Mayor**

pc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk”

Mr. Cutler moved that Council convene in a Closed Session to discuss a personnel matter, being the appointment of a Constitutional Officer, pursuant to Section 2.2-3711(a)(1), Code of Virginia (1950) as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Harris, Wyatt and Mayor Smith----5.

NAYS: None-----0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

At 3:35 p.m., the Mayor declared the meeting in recess for one closed session.

(Council Members Dowe and Fitzpatrick entered the meeting during the Closed Session.)

At 7:35 p.m., the meeting reconvened in the Council’s Conference Room, with all Members of the Council in attendance, except Mayor Smith, and Vice-Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt, and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

COUNCIL-CITY TREASURER: Ms. Wyatt moved that the City Attorney be instructed to prepare the proper measure appointing Evelyn W. Powers as City Treasurer, effective January 1, 2004. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

There being no further business, the Vice-Mayor declared the special meeting adjourned at 7:40 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

Notice:

**Minutes of the regular meeting of Council held on
Monday, April 5, 2004 will be sent separately.**



RALPH K. SMITH
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris
Linda F. Wyatt

May 20, 2004

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I wish to request a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to be "ATD", with a long horizontal line extending to the right.

Alfred T. Dowe, Jr., Chair
City Council Personnel Committee

ATD:snh



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

May 20, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Request to Schedule a Public
Hearing to Consider Expansion
of the Downtown Service
District CM04-00086

This is to request space on Council's regular agenda for a report on the above
referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance



Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540-342-2028 • FAX 344-1452
www.downtownroanoke.org • e-mail: dri@downtownroanoke.org

EXECUTIVE COMMITTEE

STEPHEN W. LEMON
Martin Hopkins & Lemon, PC
Chair

MICHAEL T. DITTRICH
Pepsi Bottling Group
Chair-Elect

M. HELEN BUTLER
Coordinated Services Management
Immediate Past-Chair

G. LOGAN FORSYTH
Chas. Lunsford Sons & Associates
Secretary

MICHAEL R. RIELEY
Verizon
Treasurer

SABRENÉ BLEVINS
The Wallace Agency
Vice-Chair

ROBERT H. FETZER
Building Specialists, Inc.
Vice-Chair

KENNETH RATTENBURY
Fret Mill Music Company
Vice-Chair

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Waldvogel Poe & Cronk
Vice-Chair

DENNIS TRAUBERT
At-Large

MICHAEL E. WARNER
N & W Investments LLC
At-Large

DAVID A. DIAZ
President

DIRECTORS

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Norfolk Southern Corporation

CYNTHIA S. CASSELL
Twist & Turns

GARY CROWDER
Wertz's Restaurant

LARRY DAVIDSON
Davidsons

ELAINE FRANTZ
vanBlaricom & Frantz, Inc.

ELLIS L. GUTSHALL
Valley Bank

JAMES N. HINSON
First Virginia Bank-Southwest

SUSAN W. JENNINGS
The Arts Council of the Blue Ridge

F. GEOFFREY JENNINGS
Frank L. Moose Jewelers

CAL JOHNSON
YMCA of the Roanoke Valley

FOURD KEMPER
Woods Rogers & Hazlegrove

DR. THOMAS MCKEON
Roanoke Higher Education Center

BENJAMIN MOTLEY
Rodriguez, Ripley, Maddux, Motley Architects

CALVIN POWERS
Guard Rail Inc.

SHEILA STUEWE
Advance Auto Parts

BUD THOMPSON
Carilion Health System

BRIAN TOWNSEND
City of Roanoke

MARK W. WOODS
Woods Farms

EDWIN C. HALL
Ex-Officio Member
Hall Associates

ALFRED DOWE
Roanoke City Council Liaison

May 14, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch
Honorable M. Rupert Cutler
Honorable Alfred T. Dowe, Jr.
Honorable Beverly T. Fitzpatrick, Jr.
Honorable Linda F. Wyatt

Subject: Request for Public Hearing to Consider the Expansion
of the Downtown Service District Boundaries

Honorable Mayor and Members of City Council:

Background:

On October 14, 1986, Downtown Roanoke Incorporated (DRI) submitted a formal proposal to City Council for the creation of a Downtown Service District (DSD). The initial DSD was established by Ordinance No. 28453, adopted by City council on December 8, 1986, with an effective date of July 1, 1987.

In 1991, DRI went through a similar process to request an expansion of the DSD. After holding several meetings with senior staff members of the City of Roanoke and soliciting support from the community it serves, on April 25, 1991, DRI successfully petitioned City Council for its concurrence and requested City Council to conduct a public hearing to such an expansion. On May 28, 1991, by Ordinance No. 30523-52891, City Council approved the expansion of the DSD to include the boundaries that represent the DSD as it stands today at a taxation rate of 10 cents for every \$100 of assessed value for each parcel. The proposed expansion recommends the same rate and does not recommend any changes to the tax rate of the existing district.

During 2003, DRI conducted a review of potential areas for further expansion of the Special Services District, looking at a number of alternatives including areas to the north, south, and west of the current district boundaries. The process included evaluation of the land uses and functions of these areas; review of the services and benefits that would be provided by the Special Services District to these areas; and meetings with property owners and business interests located within these areas.

Areas to the north of the existing boundaries, along the Williamson Road corridor and to the northeast of the existing boundaries up to the Orange Avenue corridor did not exhibit a land use or functional pattern that would be a logical or beneficial extension of the current district.

To the south, along the Jefferson Avenue corridor, while the land use and functional pattern does exhibit a relationship to the current district boundaries along the Elm Avenue corridor, it was determined that further expansion of the district boundaries at this time was not appropriate. It is anticipated that as the Jefferson Avenue corridor continues to redevelop in a southwardly direction to the proposed Bio-Medical Research Park project, this area will be more appropriate for consideration for future district expansion.

To the west of the current district boundaries, the development pattern along the Church Avenue corridor (the Jefferson Center area), west from Fifth Street to Seventh Street does exhibit a functional and land use relationship to the existing district. During the last several months, Downtown Roanoke Incorporated (DRI) has been actively seeking comment from property owners in regards to the expansion of the Downtown Service District boundaries to include this additional area extending from 5th Street on the east to 7th Street on the west; Marshall Avenue on the south to the rear properties lines of properties fronting on the north side of Campbell Avenue on the north.

DRI has received overwhelming support from property owners in the existing and proposed district in support of our request to expand the current service district (see Attachment D containing letters of support). It is estimated that approximately \$3,000 in revenues will be generated by the portion being proposed for inclusion in the service district.

On May 4, 2004, the Board of Directors of DRI voted to support proposing the expansion to City Council for its consideration.

Considerations:

Section 15.2-240 of the Code of Virginia (1950) as amended, governs the creation of a service district by ordinance. That section authorizes a locality to create by ordinance, services districts to provide additional or more complete or timely services of government than are desired by the locality as a whole. Before a service district can be created and/or expanded, a public hearing must be held.

Action Required:

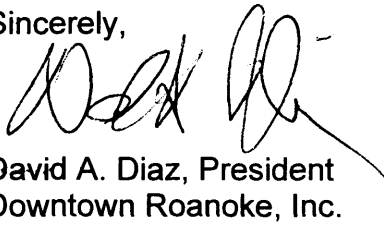
After corresponding with senior members of City staff, we are now petitioning City Council for its concurrence with our request. Specifically, we request that a public hearing be set for June 21, 2004 to consider the expansion of the Downtown Service District. It is our hope that by designating this date, it will enable the City Clerk ample time to provide the necessary notice to the general public.

Attached for your review and information is:

- A narrative description and map identifying the additional portion of the downtown area to be included in the expanded service district (Attachments A and B); and
- A description of the facilities, services, and benefits to be offered within the expanded area (Attachment C).
- A signed letter by 13 of the 25 property owners in the proposed expansion area pledging their support (Attachment D).

Thank you for your consideration and continuing support of our downtown development effort. Our organization and the businesses located in downtown Roanoke appreciate your support.

Sincerely,



David A. Diaz, President
Downtown Roanoke, Inc.

Attachments

- c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Elizabeth Neu, Director of Economic Development

Attachment A

PROPOSED DOWNTOWN SERVICE DISTRICT

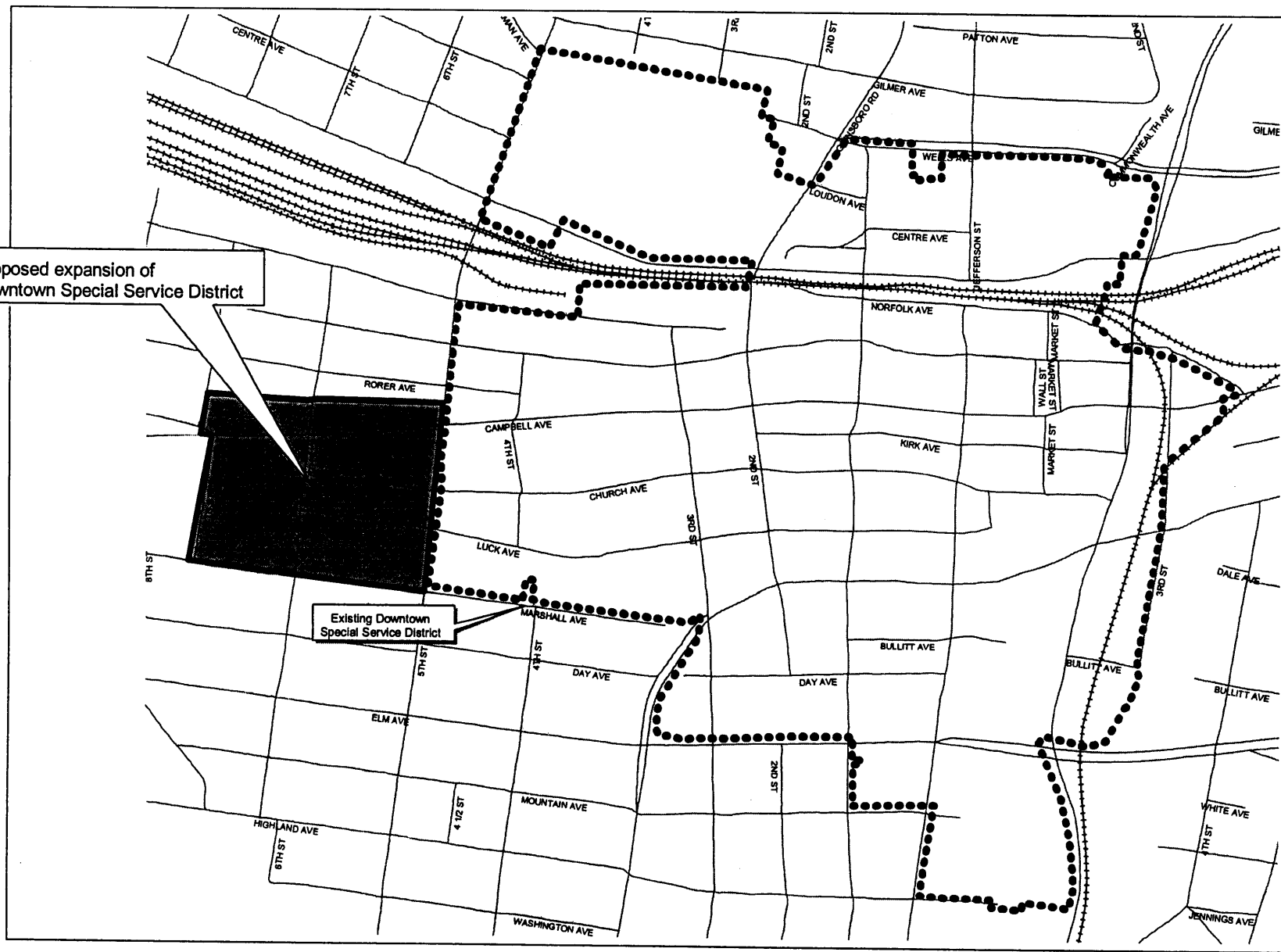
The proposed expansion would include the existing area of the current Special Service District as well as property bordering the western boundary of the current district, which begins on Fifth Street. The proposed western boundary would extend two blocks to Seventh Street. The northern boundary would be the rear property line of Campbell Avenue properties from fifth to seventh streets. The southern boundary would be Marshall Avenue, which is the same southern boundary for the western part of the existing downtown district.

Attachment B

PROPOSED DOWNTOWN SERVICE DISTRICT - MAP

Proposed expansion of
Downtown Special Service District

Existing Downtown
Special Service District



Attachment C

PROPOSED DOWNTOWN SERVICE DISTRICT

Our Vision:

Downtown Roanoke Incorporated (DRI) will strive to make the downtown a 24-hour center of activity for all ages to visit, work, live and have fun.

Our Mission:

Downtown Roanoke Incorporated, a nonprofit organization, exists to attract, retain and expand the number of businesses, visitors, and residents in the downtown area by facilitating public/private partnerships, marketing the downtown area, coordinating the delivery of government services, and managing the Farmer's Market on behalf of more than 700 property and business owners.

- Public/Private Partnerships – DRI has a long history of making significant contributions to the downtown by facilitating partnerships among private companies, government and community agencies. For example, DRI, in partnership with the Roanoke Foundation for the Downtown, the City of Roanoke, and the Roanoke Redevelopment & Housing Authority, developed S. Jefferson Place, an apartment complex with 87 luxury apartments. DRI also manages the City-owned, Historic Farmer's Market, which provides so much of the charm and vitality often associated with our downtown.
- Marketing – DRI works with business to provide new programs that showcase the downtown as a wonderful place to work, shop live, visit, and have fun. For example, two popular programs include the Art by Night Gallery Walk, a tour of the downtown Art Gallery's after five, and a Downtown Living Tour highlighting the many magnificent downtown apartment dwellings, from the small to the large. Other areas of marketing the downtown include production of materials that reinforce all the amenities in the downtown and working with the local media on "happenings" in the downtown.

Marketing efforts also include the development of an Internet website address, at www.downtownroanoke.org, at which, members, visitors, residents, and businesses can review information concerning events, attractions, shopping, dining, accommodations, downtown plans, real estate, maps, etc.

- Economic Development – DRI provides leadership for Downtown by assisting current and prospective businesses in identifying available space and other resources for expansion or relocation to downtown. Examples include the sale or donation of two buildings that now house the Higher Education Center, a unique and innovative workforce development “laboratory” encompassing more than 18 educational institutions, and S. Jefferson Place, an 87 unit luxury apartment complex. DRI joined forces with the City of Roanoke to develop Outlook Roanoke Update, Downtown’s Master Plan, which includes an e-town initiative designed to enhance the presence of software firms in the downtown through the redevelopment of several warehouses.
- Events – DRI hosts a variety of events and provides support and guidance to other organizations producing special events in the downtown. Our premier event “Dickens of a Christmas” provides family fun and excitement for thousands over three Friday nights in December. Other major efforts have included the recruitment of the Easter Seals Concert Series, which will hold 19 concerts in downtown’s Elmwood Park from May through September, and a joint effort with the City of Roanoke to bring “Outdoor Movies” to downtown.
- Clean and Safe Environment – To keep the downtown clean, safe, and attractive for persons working, visiting, and living in the downtown is essential for its success. To accomplish this objective, DRI works with the Roanoke Police Department, businesses and other City service organizations to provide assistance and support. Some of our major projects have included the formulation of the Mounted Patrol, the provision of a sidewalk-cleaning machine, and the hanging of holiday greenery.

Our Functions:

- Economic Development:
 - Business Retention – Business retention efforts are aimed at keeping existing businesses and, where appropriate, encouraging expansion within the downtown area. Toward this effort, personal contacts are made to ascertain satisfaction levels and determine problems or needs, then addressing them either through private sector incentives (i.e., loan pools) or by acting as liaison between business and appropriate governmental agencies.
 - Business Recruitment – Business recruitment efforts are multi-faceted. The geographic target area must be determined by governing body and should be oriented toward office and commercial businesses targeted either as likely candidates for a move or as needed to fill identified voids in our tenant mix. Efforts involve research, the development of marketing tools (i.e., brochures and audio-visual presentations which not only extol our assets but contain hard data) and the matching of prospects with buildings and sites.

- Developer Recruitment – Developer recruitment efforts involve identifying the securing developers capable of carrying out projects (office, commercial, residential, etc.) deemed necessary to the continued growth of downtown.
- Management:
 - Planning – Planning efforts include general “development plan updates”, as well as more specific studies involving downtown’s various functions (i.e., retail development, housing) or detailed plans for specific areas such S. Jefferson Street and 3rd to 5th Street area). In May 2002, DRI updated its downtown master plan called OUTLOOK ROANOKE UPDATE, a plan that will set the direction for development efforts in the coming years. This plan was officially adopted by City Council on May 20, 2002.
 - Most efforts are done in conjunction with the City of Roanoke but some, like marketing surveys and plans, are the sole province of the organization. Efforts emphasize implementation strategies. This function also involves representation in the design review process.
 - Retail Management – Retail management efforts concentrate on one segment of our constituency. The main function involves marketing downtown as a single retail unit through image-building advertising and sales promotions directed at targeted markets. Other efforts may include coordinating store hours educational seminars (on marketing, security, etc.).
 - Transportation Management – Transportation management efforts include assuming a more active role in traffic, transit and parking issues. Particular functions include working with Valley Metro on various shuttle services and a parking validation system.
 - Public Space Management – Public spaces refer primarily to parks and plazas and, to a lesser degree, to streets and sidewalks. Management activities are geared toward enhancing the utilization and appearance of these spaces. Examples of these activities may include the development and administration of a street-vendor program, the provision of supervision of functional amenities such as information kiosks and outdoor café-type tables and chairs, the development of a unified signage program guiding visitors to downtown attractions and parking facilities, the provision of informal noontime entertainment, the development of a much stronger program of seasonal decorations and lamp post banners, and the development of specific capital improvements.

- Community Relations:

- Advocacy – In essence, DRI acts as the “voice” of downtown. DRI works in partnership with downtown property owners businesses, merchants, other non-profits, and the government to identify needs, develop strategies, shape public policy, and implement programs to strengthen the economic vitality of the downtown area and its role within the region as the urban center of western Virginia. Activities include establishing constituency positions on matters affecting that constituency and conveying those positions to appropriate decision-makers.
- Public Relations – Public relations efforts include presenting downtown as a unit in an effort to influence perceptions – and may include general image building or a focused approach on a specific issue.
- Government Liaison – DRI serves as a liaison to local government, fostering communications and cooperation between the public and private sectors on specific issues.
- Information and Referral – DRI serves as a clearinghouse – both for the dissemination of information of interest to a constituency and the referral of inquiries to appropriate agencies including sub-functions of education, disaster assistance, and maintenance of a data base.

Other Services:

DRI members join Downtown Roanoke to invest in one of the region's most important businesses – theirs! Membership in Downtown Roanoke Incorporated keeps them informed on issues involving the downtown community. It enables their company and its employees to joint other national corporations, small, locally owned businesses, civic organizations, government agencies, property owners, and arts and cultural institutions in shaping Downtown Roanoke as the vital urban core of the Roanoke Region. Benefits of becoming a member include:

- Listing on the DRI website;
- Link for Members Only on website;
- Copy of ADVOCATE – a bi-monthly newsletter to keep them up to date on downtown development and happenings;
- One free flyer insertion in the bi-monthly Advocate newsletter;
- Broadcast Fax Initiative, which allows them to fax important information about their business to all downtown businesses;
- Members are allowed to utilize DRI's meeting room on a limited basis free of charge;
- Invitation to DRI's annual meeting;

Attachment D

LETTERS OF SUPPORT



Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540-342-2028 • FAX 344-1452
www.downtownroanoke.org • e-mail: dri@downtownroanoke.org

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Ex-Officio Member
Hall Associates

ALFRED DOWE
Roanoke City Council Liaison

Dear Board of Directors of Downtown Roanoke, Incorporated:

I would like to pledge my support for the current efforts by Downtown Roanoke, Inc. (DRI) to expand the service district boundaries. As a downtown property owner, I support the expansion and wish to have my properties (Tax ID: 1113305, 1113501, 1113502, 1113312, 1113313, 1113314, 1113315, 1113316, 1113518, 1113519, 1113520, 1113521, 1113522, 1113523, 1113525, 1113426, 1112527, 1113528, 1113529, 1113530) included in the new district boundaries.

Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. I want to support your mission of attracting, retaining and expending the number of businesses, visitors and residents in the downtown.

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A-Space, LLC by WORTH BOONE, MEMBER Worth/Boone
(Property Owner[s] - print & sign)

1113305, 1113501, 1113502, 1113312, 1113313, 1113314, 1113315,
1113316, 1113518, 1113519, 1113520, 1113521, 1113522, 1113523,
1113525, 1113426, 1112527, 1113528, 1113529, 1113530

City Identification #s

11/1/03
(Date)





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Michael E. Warner, Partner, L & M Properties
(Property Owner[s] - print & sign)

Michael E. Warner
541 Campbell Avenue, S.W., Roanoke, VA
(Address or City Tax identification #)

December 30, 2013
(Date)



Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540-342-2028 • FAX 344-1452
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Dennis E. White DENNIS E WHITE
(Property Owner[s] - print & sign)

308 7th Street SW Roanoke VA 24016
(Address or City Tax identification #)

12/18/03
(Date)





Downtown Roanoke Inc.

To the Board of Directors of Downtown Roanoke, Inc.:

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Sincerely,

Charles Ed. Githens

Wm. W. Githens

(Property Owner)

532 LACK AVE. SW

(Business Address)

10/16/03

(Date)



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David Tucker DT Anna Tucker
Contribution
(Property Owner[s] - print & sign)

1112414
(Address or City Tax identification #)

12/24/03
(Date)





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NANCY G. DEARING
(Property Owner[s] - print & sign)

Nancy G. Dearing

518 CAMPBELL AVES. W.
(Address or City Tax identification #)

12/29/03
(Date)





Council of Community Services

502 Campbell Ave., S.W. (24016)

P.O. Box 598, Roanoke, VA 24004

(540) 985-0131

Fax (540) 982-2935

www.councilofcommunityservices.org

ccsir@roanoke.infi.net

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Vice Presidents

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E. Scott Austin

Margaret Martin

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Stanley B. Andrzejewski

Laura Benjamin

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Jane O'Keeffe

Howard Packett

Edward M. Smith

Natalie Smith

Lucas A. Snipes

Judge Diane Strickland

Henry J. Sullivan

W. Lee Wilhelm, III

Executive Director

Pamela Kestner-Chappelear

October 28, 2003

Mr. David A. Diaz

President

Downtown Roanoke, Inc.

213 Market Street

Roanoke, VA 24011

Dear Mr. Diaz:

At its September meeting, the Council of Community Services' Board of Directors acted to pledge its support for the current efforts by Downtown Roanoke, Inc. (DRI) to expand the service district boundaries. As a downtown property owner, the Council's Board supports the expansion and wishes to have our property included in the new district boundaries.

In addition, we want to support your mission of attracting, retaining and expanding the number of businesses, visitors and residents in the downtown area. Your goal of making the downtown a 24-hour center of activity is in line with the Council's goal of providing "24/7" information and referral services in the coming months.

Your efforts in facilitating public/private partnerships, marketing and managing the Historic City Market have made downtown a safer and more enjoyable place. Again, we support your efforts and request that DRI's Board of Directors endorse the proposal for expanding the downtown service district and present it to Roanoke City Council for its approval.

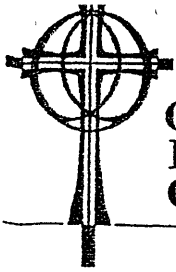
Sincerely,



Pamela Kestner-Chappelear



United Way
Partner Agency



Calvary
Baptist
Church

DONNA HOPKINS BRITT, Pastor

608 CAMPBELL AVENUE, S.W.
ROANOKE, VIRGINIA 24016
(540) 344-9237 • FAX (540) 982-1389
www.calvaryroanoke.org

October 16, 2003

Downtown Roanoke, Inc.
c/o David A. Diaz, President
213 Market Street
Roanoke, VA 24011

To the Directors of Downtown Roanoke, Inc.:

On behalf of Calvary Baptist Church, I would like to pledge our support for the efforts by DRI to expand downtown's service district boundaries. As a downtown property owner, we support the expansion and wish to have our property at 6th Street and Campbell Avenue, SW, included in the new district boundaries.

Calvary is proud to be close to downtown and we believe that our spiritual presence enriches the quality of life for those who live, work and play in the downtown area. The expansion of the boundaries would help us to do this in an even more productive way.

However we may help, please let us know. Meanwhile, know of my and our support for the proposal to expand the downtown service district in hopes that you will present it to Roanoke City Council for their approval.

May God bless and guide you.

Sincerely,

Donna Hopkins Britt

Donna Hopkins Britt



Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540-342-2028 • FAX 344-1452
www.downtownroanoke.org • e-mail: dri@downtownroanoke.org

EXECUTIVE COMMITTEE

STEPHEN W. LEMON
Martin Hopkins & Lemon, PC
Chair

MICHAEL T. DITTRICH
Pepsi Bottling Group
Chair-Elect

M. HELEN BUTLER
Coordinated Services Management
Immediate Past-Chair

G. LOGAN FORSYTH
Chas. Lunsford Sons & Associates
Secretary

MICHAEL R. RIELEY
Verizon
Treasurer

SABRENÉ BLEVINS
The Wallace Agency
Vice-Chair

ROBERT H. FETZER
Building Specialists, Inc.
Vice-Chair

KENNETH RATTENBURY
Fret Mill Music Company
Vice-Chair

MICHAEL WALDVOGEL
Waldvogel Poe & Cronk
Vice-Chair

DENNIS TRAUBERT
At-Large

MICHAEL E. WARNER
N & W Investments LLC
At-Large

DAVID A. DIAZ
President

DIRECTORS

MARK BOWER
Norfolk Southern Corporation
CYNTHIA S. CASSELL
Twist & Turns

GARY CROWDER
Wertz's Restaurant

LARRY DAVIDSON
Davidsons

ELAINE FRANTZ
vanBlaricom & Frantz, Inc.

ELLIS L. GUTSHALL
Valley Bank

JAMES N. HINSON
First Virginia Bank-Southwest

SUSAN W. JENNINGS
The Arts Council of the Blue Ridge

F. GEOFFREY JENNINGS
Frank L. Moose Jewelers

CAL JOHNSON
YMCA of the Roanoke Valley

FOURD KEMPER
Woods Rogers & Hazlegrove

DR. THOMAS MCKEON
Roanoke Higher Education Center

BENJAMIN MOTLEY
Rodriguez, Ripley, Maddux, Motley Architects

CALVIN POWERS
Guard Rail Inc.

SHEILA STUEWE
Advance Auto Parts

BUD THOMPSON
Carilion Health System

BRIAN TOWNSEND
City of Roanoke

MARK W. WOODS
Woods Farms

EDWIN C. HALL
Ex-Officio Member
Hall Associates

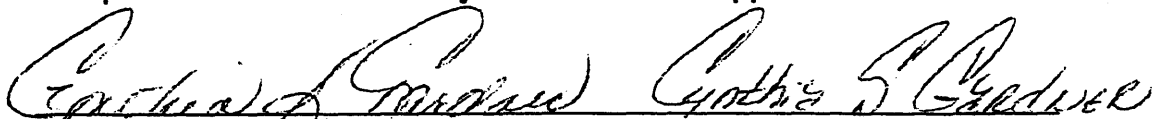
ALFRED DOWE
Roanoke City Council Liaison

To the Board of Directors of Downtown Roanoke, Inc.:

I would like to pledge my support for the current efforts by Downtown Roanoke, Inc. (DRI) to expand the service district boundaries. As a downtown property owner, I support the expansion and wish to have my properties on Campbell Avenue (Tax ID: 1112415, 1112418) included in the new district boundaries.

Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. I want to support your mission of attracting, retaining and expending the number of businesses, visitors and residents in the downtown.

Your efforts in facilitating public/private partnerships, marketing and managing the Historic City Market have made downtown a safer and more enjoyable place to be. Again, I support your efforts and request you endorse the proposal for expanding the downtown service district and present it to Roanoke City Council for their approval.


(Property Owner[s] - print & sign)

1112415, 1112418
(Address or City Identification #)

11-04-03
(Date)



JEFFERSON CENTER
Entertaining ideas and audiences

BOARD OF DIRECTORS

September 8, 2003

J. Tyler Pugh
Chairman

Janet P. Burrow
President & CEO

James W. Arend
James Atkinson
Thomas R. Bagby
James C. Bishop
John W. Boyle, Jr.
Turner Dalhouse
Walter M. Dixon
Edward Dunbar
Wayne R. Ellett
Helen C. Fitzpatrick
Susan P. Frantz
Randall H. Frazier
Kevin C. Hall
John G. Heitz
Carol Jarratt
Mary Ann Johnson
Linda F. Kirsch
William L. Lee
Charlotte Porterfield
David G. Smith
Mary L. Strauss
L. Thompson
Don C. Willis, Sr.

Downtown Roanoke, Inc.
213 Market Street
Roanoke, VA 24011

To the Board of Directors of Downtown Roanoke, Inc.:

Jefferson Center Foundation is pleased to support the current efforts by Downtown Roanoke, Inc. to expand the service district boundaries. The Foundation wholeheartedly supports the expansion and wishes to have Jefferson Center included within the new district boundaries.


Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. By housing seventeen not-for-profit organizations, by making facilities available for event rental, by exhibiting work of local and regional artists in The Gallery at Jefferson Center, and by opening of Shaftman Performance Hall in 2001, Jefferson Center adds support to Downtown Roanoke Inc.'s mission by expanding the number of businesses and visitors to the downtown area.

Jefferson Center Foundation respectfully requests that Downtown Roanoke, Inc. endorse the proposal for expanding the downtown service district to include the Jefferson Center area and then proceed with receiving approval from Roanoke City Council.

Sincerely,



J. Tyler Pugh
Board Chairman



Janet P. Burrow
President & CEO



YMCA of Roanoke Valley

We build strong kids,
strong families, strong communities.

Corporate Office

P.O. Box 2130 (Zip 24009)

425 Church Avenue, S.W.

Roanoke, Virginia 24016

Ph: (540) 527-9622

Fax: (540) 345-0730

Email: ymcaroanoke@ymcaroanoke.org

OFFICERS

J. W. Kirk, III
President

W. Lee Wilhelm, III
Vice President

Donald G. Smith
Vice President

William O. Sparrow
Secretary

Gilbert W. McGeorge, Jr.
Treasurer

September 2, 2003

David A. Diaz
President
Downtown Roanoke Inc.
213 Market Street
Roanoke, VA 24011

Dear David:

BOARD OF DIRECTORS

Houston L. Bell, Jr.

Abney S. Boxley, III

John Carlin

Robert P. Fralin

J. Randolph Garrett, III

E. Wayne Harris, Ed.D.

Don J. Harrison

Alphonzo L. Holland, Sr.

Margaret J. Irvin

Jay W. Langhammer

William C. Laub

Robert C. Lawson, Jr.

Alexander I. Saunders

Phillip A. Short

Phillip F. Sparks

Diane McQ. Strickland

John Walker

Willie Wilhelm

John B. Williamson, III

David D. Willis

Katherine C. Wilson

Michael A. Wray

Wendy Zomparelli

I am pleased to tell you that the Board of Directors of the YMCA of Roanoke Valley unanimously voted to support the expansion of the DRI service district at our meeting on August 21, 2003.

The YMCA has had a continuing presence in downtown Roanoke since 1883. Our decision to build a new YMCA and stay in downtown Roanoke reflects our belief in the future vitality and growth of this area.

Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. We fully support your mission of attracting, retaining and expanding the number of businesses, residents and visitors in the downtown.

Your efforts in facilitating public/private partnerships and managing the Historic City Market have made our downtown a safer and more enjoyable place to be. Again, we support the proposal to expand the downtown service district and urge its approval by the Roanoke City Council.

Sincerely,

F. Cal Johnson
Executive Director

F. Cal Johnson
Executive Director

DRI letter of support.doc

Our mission: To put Christian principles into practice through programs that build a healthy spirit, mind, and body for all.



Downtown Roanoke Inc.

213 Market Street • Roanoke, VA 24011 • 540-342-2021 • FAX 344-1452
www.downtownroanoke.org • e-mail: dri@downtownroanoke.org

EXECUTIVE COMMITTEE

STEPHEN W. LEMON
Meyers Hopkins & Lemon, PC
Chair

MICHAEL T. DITTRICH
Popel Bottling Group
Chair-Elect

M. HELEN BUTLER
Coordinated Services Management
Immediate Past-Chair

G. LOGAN FORSYTH
Chas. Lumford Sons & Associates
Secretary

MICHAEL R. RELEY
Past President

SABRENE BLEVINS
The Wallace Agency
Vice-Chair

ROBERT H. FETZER
Building Specialists, Inc.
Vice-Chair

KENNETH RATTENBURY
First Mile Music Company
Vice-Chair

MICHAEL WALDVOGEL
Waldvogel, Poe & Cronk
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DENNIS TRAUBERT
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N & W Investments LLC
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DAVID A. DIAZ
President

DIRECTORS

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Norfolk Southern Corporation

CYNTHIA S. CASSELL
Tunst & Tunst

GARY CROWDER
World's Restaurant

LARRY DAVIDSON
Davidson's

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YMCA of the Roanoke Valley

FOURD KEMPER
Woods Rogers & Hazlegrove

DR. THOMAS MCKEON
Roanoke Higher Education Center

BENJAMIN MOTLEY
Rodriguez, Riley, Maddux, Motley Architects

CALVIN POWERS
Guard Rail Inc.

SHEILA STUEWE
Advance Auto Parts

BUD THOMPSON
Carlson Health System

BRIAN TOWNSEND
City of Roanoke

MARK W. WOODS
Woods Farms

EDWIN C. HALL
Ex-Officio Member
Hall Associates

ALFRED DOWE
Roanoke City Council Liaison

To the Board of Directors of Downtown Roanoke, Inc.:

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Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. I want to support your mission of attracting, retaining and expending the number of businesses, visitors and residents in the downtown.

Your efforts in facilitating public/private partnerships, marketing and managing the Historic City Market have made downtown a safer and more enjoyable place to be. Again, I support your efforts and request you endorse the proposal for expanding the downtown service district and present it to Roanoke City Council for their approval.

Larry J. Conner *Larry J. Conner*

Rhonda S. Conner *Rhonda S. Conner*

(Property Owner[s] - print & sign)

547-535 Campbell Ave. SW Roanoke, Va.

(Address or City Tax identification #)

December 22, 2003

(Date)



To the Board of Directors of Downtown Roanoke, Inc.:

I would like to pledge my support for the current efforts by Downtown Roanoke, Inc. (DRI) to expand the service district boundaries. As a downtown property owner, I support the expansion and wish to have my property included in the new district boundaries.

Over the years, DRI has made significant progress in realizing its vision of making the downtown a 24-hour center of activity for all ages to visit, work, live and have fun. I want to support your mission of attracting, retaining and expanding the number of businesses, visitors and residents in the downtown.

Your efforts in facilitating public/private partnerships, marketing and managing the Historic City Market have made downtown a safer and more enjoyable place to be. Again, I support your efforts and request you endorse the proposal for expanding the downtown service district and present it to Roanoke City Council for their approval.

LARRY Bly Larry Bly
(Property Owner[s] - print & sign)

526 West Campbell Ave.
(Address or City Tax identification #)

27 April '04
(Date)

GENTRY LOCKE
RAKES & MOORE

A Limited Liability Partnership

Attorneys at Law

540-983-9300

Facsimile 540-983-9400

10 Franklin Road, S.E.

Post Office Box 40013

Roanoke, Virginia 24022-0013

May 12, 2004

Direct Dial: (540) 983-9312
mike_pace@gentrylocke.com

Via E-Mail – mary_parker@ci.roanoke.va.us

Mary Parker, Roanoke City Clerk
215 Church Avenue, SW
Suite 456
Roanoke, VA 24012

Re: SunCom/Roanoke Civic Center Lease

Dear Ms. Parker:

At its meeting on Tuesday, May 11, the Board of Zoning Appeals unanimously approved the granting of a special exception to allow SunCom to construct and operate a 110-foot flagpole communication facility and related equipment on a portion of the Roanoke Civic Center property. Please consider this letter a request to have the approval of the lease placed on the agenda for Council to consider at its June 7 meeting.

We understand that City Council will consider this request at its May 20 meeting.

If you have any questions, please call me at (540) 983-9312.

Sincerely,

GENTRY LOCKE RAKES & MOORE, LLP

No signature – sent via electronic transmission

G. Michael Pace, Jr.

GMP:st

cc: Darlene Burcham, City Manager, via e-mail – darlene_burcham@ci.roanoke.va.us
William M. Hackworth, City Attorney, via e-mail - william_hackworth@ci.roanoke.va.us
Dale Finocchi, via e-mail



Roanoke City Electoral Board

Gilbert E. Butler, Jr., Chairman
Joanne P. Jones, Vice Chairman
Carl T. Tinsley, Sr., Secretary

May 7, 2004

Mrs. Mary F. Parker
City Clerk
Room 454, Municipal Building
Roanoke, VA 24011

Dear Mrs. Parker:

Pursuant to Section 24.2 – 675 of the Virginia Election Laws, attached is a certified copy of the abstract of votes cast in the General Election for Mayor and City Council, held in the City of Roanoke on May 4, 2004.

Yours Truly,

Carl T. Tinsley, Sr., Secretary
Roanoke City Electoral Board

CTT, Sr., / byb

Attachment

ABSTRACT OF VOTES

cast in the City of ROANOKE, Virginia,
at the May 4, 2004 General Election, for:

MAYOR

| <i>NAMES OF CANDIDATES AS PRINTED ON BALLOT</i> | <i>TOTAL VOTES RECEIVED (IN FIGURES)</i> |
|---|--|
| <u>Alice P. Hincker</u> | <u>4,033</u> |
| <u>C. Nelson Harris</u> | <u>4,982</u> |
| <u>Delvis O. "Mac" McCadden</u> | <u>4,244</u> |
| <u>George A. Sgouros</u> | <u>111</u> |
| | |
| | |

Total Write-In Votes

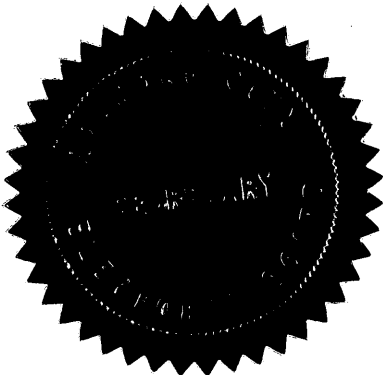
[Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] 0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

C. Nelson Harris

Given under our hands this 6th day of May, 2004.

A copy teste:



[Signature], Chairman
[Signature], Vice Chairman
[Signature], Secretary
[Signature] Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of ROANOKE, Virginia,
at the May 4, 2004 General Election, for:

MEMBER CITY COUNCIL

AT LARGE

ENTER AT LARGE OR APPROPRIATE DISTRICT OR WARD NAME

NAMES OF CANDIDATES AS PRINTED ON BALLOT

TOTAL VOTES
RECEIVED
(IN FIGURES)

| | |
|-----------------------------|-------|
| Wendy J. Jones | 6,071 |
| Beverly T. Fitzpatrick, Jr. | 7,486 |
| Sherman P. Lea | 6,889 |
| Brian J. Wishneff | 6,623 |
| William H. "Bill" Carder | 4,296 |
| E. Duane Howard | 817 |
| Angela Mays Norman | 2,849 |

Total Write-In Votes

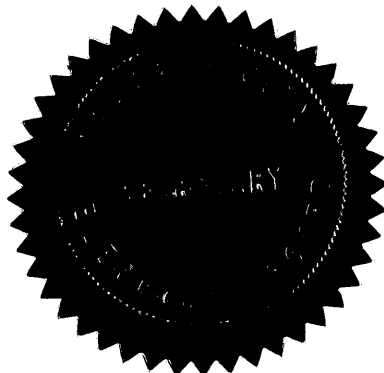
[Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] 2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person(s) has (have) received the greatest number of votes cast for the above office in said election:

Beverly T. Fitzpatrick Sherman P. Lea Brian J. Wishneff

Given under our hands this 5th day of May, 2004.

A copy teste:



[Signature], Chairman

[Signature], Vice Chairman

[Signature], Secretary

[Signature] Secretary, Electoral Board

COMPLETE THIS FORM **ONLY** IF (i) TOTAL NUMBER OF WRITE-INS IS 5% OR MORE OF THE TOTAL NUMBER OF VOTES CAST FOR OFFICE **OR** (ii) A WRITE-IN CANDIDATE WAS ELECTED TO THE OFFICE.

WRITE-INS CERTIFICATION

ROANOKE

☐ TOWN/COUNTY

☒ CITY

CITY COUNCIL

OFFICE TITLE

AT LARGE

DISTRICT NAME OR NUMBER, IF APPLICABLE

☒ General ☐ Special Election

May 4, 2004

Page 1 of 1

TOTAL VOTES
RECEIVED
(IN FIGURES)

WRITE-INS - SUMMARY

| | |
|---|---------------------|
| 1. Invalid Write-Ins | 0 |
| | ENTER TOTAL INVALID |
| 2. Valid Write-Ins | 2 |
| | ENTER TOTAL VALID |
| 3. Total Write-Ins | 2 |
| [ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.] | ADD LINES 1 AND 2 |

VALID WRITE-INS - DETAIL

LIST **VALID** WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONTINUATION PAGES, AS NEEDED. ALL **VALID** WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
(IN FIGURES)

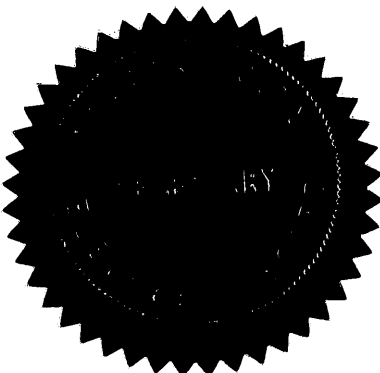
| | |
|--------------------|---|
| Chris Chitum | 2 |
| | |
| | |
| | |

CONTINUED ON PAGES ____ THROUGH ____

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 5th day of May, 2004.

A copy teste:



| | |
|--------------------|----------------------------|
| <u>[Signature]</u> | Chairman |
| <u>[Signature]</u> | Vice Chairman |
| <u>[Signature]</u> | Secretary |
| <u>[Signature]</u> | Secretary, Electoral Board |



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 20, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

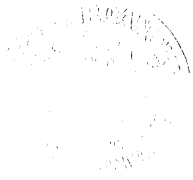
Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/f

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable W. D. "Bill" Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Technology Funds
CM04-00085

I concur with the recommendation from Brenda S. Hamilton, Clerk of Circuit Court, for the City of Roanoke, with respect to the subject reference above and recommend that City Council accept funding from the Compensation Board Technology Trust Fund and establish a revenue estimate in the General Fund.

Sincerely,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

OFFICE OF CLERK OF CIRCUIT COURT

**TWENTY-THIRD JUDICIAL CIRCUIT
OF VIRGINIA**

Criminal: (540) 853-6723
Civil: (540) 853-6702



**CIRCUIT COURT
OF THE CITY OF ROANOKE**

May 20, 2004

315 Church Avenue, S.W.
P.O. Box 2610
Roanoke, Virginia 24010

BRENDA S. HAMILTON
CLERK

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: ACCEPTANCE OF
TECHNOLOGY TRUST
FUNDS

Background:

The Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments. These instruments include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders. These Records must be maintained and be available to the Public.

The Compensation Board through the Technology Trust Fund has made available funds to be allocated toward contractual obligations for those offices that have indicated funds were needed. The Circuit Court Clerk's Office for the City of Roanoke has been allocated for reimbursement in the amount of \$21708 for charges by the Supreme Court of Virginia for its Indexing and Scanning System and \$8000 for the purchase of new printers for use with this system, for a total of \$29708.

Considerations:

The acceptance of these funds is vital to the Circuit Court Clerk's Office meeting the year end budget obligations.

Honorable Mayor and Members of City Council
May 20, 2004
Page 2

Recommended Action:

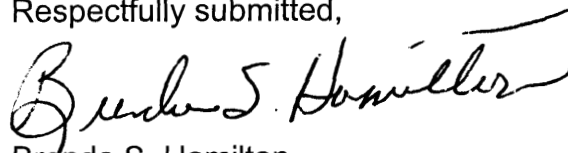
Accept funding from the Compensation Board Technology Trust Fund in the amount of \$29,708.

Establish a revenue estimate in the General Fund in the amount of \$29,708 and appropriate the same to the following accounts:

Maintenance Contracts 001-120-2111-2005 \$21,708

Fees for Professional Services 001-120-2111-2010 \$8,000

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda S. Hamilton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda S. Hamilton
Clerk of Circuit Court

BSH:jmh

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Darlene L. Burcham, City Manager

CM04-00085

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for an indexing and scanning system for the Clerk of the Circuit Court and establish revenue provided by the Compensation Board, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

| | | | |
|--------------------------------|-------------------|----|--------|
| Appropriations | | | |
| Maintenance Contracts | 001-120-2111-2005 | \$ | 21,708 |
| Fees for Professional Services | 001-120-2111-2010 | | 8,000 |
| Revenues | | | |
| Clerk of Circuit Court | 001-110-1234-0616 | | 29,708 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Adjustment of Rates for
Taxicab Service

Background:

During the March 15th Council meeting, Yellow Cab Services of Roanoke, Inc. submitted a petition requesting an adjustment of the rates for taxicab service and for-hire automobiles in the City, which rates are regulated by City Council under Section 34-130 of the Code of the City of Roanoke (1979), as amended. Taxicab service in Roanoke is provided by Yellow Cab, Liberty Cab Company, Northwest Cab Company, and Quality Taxi Company.

Per the petitioner, this represents the first request for an increase in almost four years (the last increase was adopted by Council on June 5, 2000). The request is based on the continued and significant increases in the cost of doing business (insurance rates up over 35%, repair costs up over 25%, fuel costs up over 30%, and labor costs up over 20%). The proposed increase would help offset current expenses for the taxicab companies.

The requested increase is for the initial meter drop rate to be raised from \$1.80 for the first 1/8th mile to \$2.80 for the first 1/8th mile. No other rate increases are requested. The average taxicab trip in Roanoke is three miles, which presently costs \$6.40. Under the new proposal, the average increase in fare will be \$1.00 per trip, an increase of 15.6%.

Per the petitioner, the proposed increase in rates is in line with those proposed or in effect in major cities in Virginia. The petition noted the rates used by taxi companies in seven other localities.

City staff together with the City Attorney's office conducted a survey among other Virginia municipalities to determine their practices with respect to regulating taxicabs, specifically the regulation of rates. In addition, calculations were made to compare the cost of a three mile trip in Roanoke under the new rate (\$7.40) to the cost of that same trip in the seven localities noted in the petition. Though Roanoke's charge was the highest, it was still in line with what the other localities are charging. However, Roanoke's cab companies do not levy extra charges for such services as transporting packages, groceries, luggage, or for providing night service. Many cities and counties allow these and other additional charges.

Recommended Action:

Update Section 34-130 (g) of the City Code to reflect an increase in the "distance rate" for a taxi trip from \$1.80 to \$2.80 for the first 1/8th mile or fraction thereof.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rbf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Acting Director of Management and Budget

CM04-00082

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending subsection (g) of §34-130, Rate Schedule, of Division IV, Fares, Article III, Public Vehicles (Taxicabs and For Hire Vehicles), of the Code of the City of Roanoke (1979), as amended, in order to adjust certain rates charged for services rendered by taxicabs and for-hire automobiles; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Subsection (g) of §34-130, Rate Schedule, of Division IV, Fares, Article III, Public Vehicles (Taxicabs and For Hire Vehicles), of the Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

§34-130. Rate schedule.

* * *

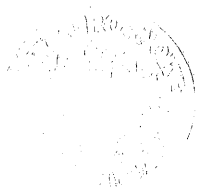
- (g) The rates for services rendered by taxicabs and for-hire automobiles shall be as follows:
 - (1) Distance rates:
 - a. For the first one-eighth (1/8) mile or fraction thereof, ~~one dollar and eighty cents (\$1.80)~~ *two dollars and eighty cents (\$2.80)*.
 - b. For each additional one-eighth (1/8) mile or fraction thereof, twenty cents (\$0.20).
 - (2) Time rates: For each forty (40) seconds of waiting time, twenty cents (\$0.20). While a charge is made for waiting time, there shall be no charge for mileage under the foregoing distance rates.
 - (3) Extra passengers: For each additional passenger, thirty cents (\$0.30).

* * *

2. Pursuant to the provisions of §12 of the Roanoke Charter, the second reading by title of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: Roanoke Passenger Station
Renovation Project**

Background:

The Western Virginia Foundation for the Arts and Sciences (WVFAS) received notification in November, 2003 that its application for Transportation Enhancement funds through the Transportation Equity Act for the 21st Century (TEA-21) for the Roanoke Passenger Station Renovation Project was approved in the amount of \$110,000. This is in addition to the \$988,000 in Enhancement funds approved in 2001 and 2002, bringing the total to \$1,098,000. Other State-provided funding of \$500,000 has also been committed to this project which currently totals almost \$3.1 million, considering both State and local funding. The City of Roanoke must enter into separate supplemental agreements with the WVFAS and the Virginia Department of Transportation (VDOT), which define the responsibilities of each party. Authority for all such VDOT agreements for this project was previously authorized by City Council action on January 22, 2002 (Resolution No. 35734-012202). Authority for all such WVFAS agreements for this project was previously provided through Ordinance No. 36157-121602. The WVFAS would be responsible for the match requirement of \$27,500. The \$110,000 of TEA-21 Enhancement funds need to be appropriated (to be reimbursed by VDOT) to the project account #008-530-9900-9007 for disbursement to the WVFAS.

Recommended Action:

Appropriate \$110,000 of TEA-21 Enhancement funds to be funded by VDOT to project account 008-530-9900-9007 for disbursement to the WVFAS.

Establish a revenue estimate of the same for State reimbursement through the TEA-21 program.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/RKB/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works
Sherman M. Stovall, Acting Director of Management and Budget

CM04-00083

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth for Roanoke Passenger Station Renovation project, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

| | | |
|--------------------------------------|-------------------|------------|
| Appropriations | | |
| Appropriation From General Revenue | 008-530-9900-9007 | \$ 110,000 |
| Revenues | | |
| Roanoke Passenger Station-TEA21 FY04 | 008-530-9900-9911 | 110,000 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 20, 2004


Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Juvenile Accountability Block
 Grant Award CM04-00084

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
 City Clerk
 Director of Finance

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Juvenile Accountability Block Grant Program and local match for juvenile education programs, amending and reordaining certain sections of the 2003-2004 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 General and Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

| | | | |
|--------------------------------|-------------------|----|---------|
| <u>General Fund</u> | | | |
| Appropriations | | | |
| Transfer to Grant Fund | 001-250-9310-9535 | \$ | 3,608 |
| Fees For Professional Services | 001-630-1270-2010 | | (3,608) |
| <u>Grant Fund</u> | | | |
| Appropriations | | | |
| Fees For Professional Services | 035-630-5060-2010 | | 36,081 |
| Fees For Professional Services | 035-630-5061-2010 | | 17,800 |
| Revenues | | | |
| State Grant Receipts - City | 035-630-5060-5062 | | 32,473 |
| Local Match - City | 035-630-5060-5063 | | 3,608 |
| State Grant Receipts - County | 035-630-5061-5064 | | 16,020 |
| Local Match - County | 035-630-5061-5065 | | 1,780 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The Juvenile Accountability Incentive Block Grant funds from the Virginia Department of Criminal Justice Services, in the amount of \$48,493.00, as set forth in the City Manager's letter, dated May 20, 2004, to this Council are hereby ACCEPTED.

2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these grant funds, and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman
Ruth C. Willson, Vice Chairman
William H. Lindsey

Alvin L. Nash
Robert J. Sparrow
Kathy G. Stockburger

David B. Trinkle, M.D.
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

May 20, 2004

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on May 11, the Board respectfully requests City Council to approve the following appropriations:

- \$394,636.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide for the replacement of facility maintenance site requests, the purchase of a mowing tractor, and for roof repairs.
- \$75,000.00 for the Alternative Education Program to provide alternative curriculum and training for high risk students at Taylor Learning Academy, with a focus on improving the total self-concept of the student. This is a continuing program and this appropriation represents an increase of funds based on the final program activities and availability of match funds.

Thank you for your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Paul Workman (with
accounting details)



CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

May 20, 2004

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$394,636 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide for the replacement of facility maintenance site requests, the purchase of a mowing tractor, and for roof repairs.
- \$75,000 for the Alternative Education Program to provide alternative curriculum and training for high risk students at Taylor Learning Academy, with a focus on improving the total self-concept of the student. This is a continuing program and this appropriation represents an increase of funds based on the final program activities and availability of match funds.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse A. Hall".

Jesse A. Hall
Director of Finance

Attachment

JAH/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP), amending and reordaining certain sections of the 2003-2004 School Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 School Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

| | | |
|-------------------------------|-------------------|------------|
| Transfer to School Fund-CMERP | 001-250-9310-9532 | \$ 630,626 |
|-------------------------------|-------------------|------------|

Fund Balance

| | | |
|----------------------------|----------|-----------|
| Reserve for CMERP - School | 001-3324 | (630,626) |
|----------------------------|----------|-----------|

School Fund

Appropriations

| | | |
|------------------------------------|------------------------|---------|
| Additional - Machinery & Equipment | 030-060-6006-6681-0821 | 185,637 |
|------------------------------------|------------------------|---------|

| | | |
|------------------------------------|------------------------|--------|
| Additional - Machinery & Equipment | 030-060-6006-6682-0821 | 58,999 |
|------------------------------------|------------------------|--------|

| | | |
|-------------------------------------|------------------------|---------|
| Replacement - Other Capital Outlays | 030-065-6006-6896-0809 | 150,000 |
|-------------------------------------|------------------------|---------|

| | | |
|------------------|------------------------|--------|
| Comp of Teachers | 030-063-6852-6100-0121 | 75,000 |
|------------------|------------------------|--------|

Revenues

| | | |
|----------------------------------|-------------------|---------|
| Transfer From General Fund-CMERP | 001-110-1234-1356 | 630,626 |
|----------------------------------|-------------------|---------|

| | | |
|-------------|-------------------|--------|
| Local Match | 030-063-6852-1101 | 75,000 |
|-------------|-------------------|--------|

Fund Balance

| | | |
|----------------------------|----------|---------|
| Reserve for CMERP - School | 030-3324 | 235,990 |
|----------------------------|----------|---------|

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Fudds of S.W.VA., Inc., represented by Maryellen F. Goodlatte, attorney, that property located at 3659 Orange Avenue, N.E., bearing Official Tax No. 7110122, be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 15, 2004. By a vote of 0-7, the motion to recommend the rezoning request failed.

Background:

A Petition to Rezone, with conditions, was filed on October 2, 2003. An Amended Petition was filed on October 3, 2003. A Second Amended Petition was filed on February 11, 2004. A Third Amended Petition was filed on March 4, 2004. A Fourth Amended Petition was filed on March 23, 2004. A Fifth Amended Petition was filed on April 12, 2004.

The petitioner proffers that the following uses shall not be permitted on the property:

1. Police stations;
2. Fire stations;
3. Rescue squads and ambulance services;
4. Military reserve and National Guard centers;

5. Training facilities related to police, fire, rescue and ambulance uses;
6. Coliseums, stadiums, exhibition halls, and similar facilities;
7. General service establishments;
8. Outdoor advertising;
9. Gas stations;
10. New motor vehicle sales and service establishments;
11. Public parking lots;
12. Public parking structures;
13. Bus terminals for the loading and unloading of passengers;
14. Used motor vehicle sales and service establishments; and
15. Towing services.

The initial petition filed on October 2, 2003, proffered a site plan that included a 5,000 square foot restaurant, two curb cuts on Orange Avenue, and 128 off-street parking spaces situated between the front of the building and Orange Avenue, along the southern boundary of the property, and to the rear of the building.

The Amended Petition filed on October 3, 2003, did not include a proffered site plan but proffered three conditions that limited the subject property to (1) use as a restaurant, (2) one curb cut on Orange Avenue, and (3) one freestanding sign.

The Second Amended Petition filed on February 11, 2004, proffered one condition that prohibited two C-2 uses on the property (outdoor advertising and automobile repair).

The Third Amended Petition filed on March 4, 2004, included a larger tract of land and the same limitation on uses on the property as that contained in the Second Amended Petition.

The Fourth Amended Petition filed on March 23, 2004, included the 3.13 acre-parcel of the first three petitions and proffered one condition that prohibited two C-2 uses on the property (outdoor advertising and automobile repair).

The Fifth Amended Petition filed on April 12, 2004, prohibits fifteen (15) C-2 uses on the property.

Considerations:

The subject property is currently zoned RS-3, Residential Single Family. Surrounding zoning and land uses are as follows:

- The adjacent parcel to the east abuts the City of Roanoke/Roanoke County line and is zoned C-2, General Commercial, Conditional. A flower shop in a converted residential structure is located on the site.
- The parcel abutting the subject property on the south and to the west is zoned RS-3, Residential Single Family. The two properties fronting on Orange Avenue directly to the west of the RS-3 parcel are zoned C-2, General Commercial (bank/credit union) and C-2, Conditional (bottled gas facility).
- Properties further to the southwest on the south side of Orange Avenue are also zoned C-2 and C-2, Conditional, and include an office building.
- Directly opposite the subject property on the north side of Orange Avenue is the Roanoke Centre for Industry and Technology, which is zoned LM, Light Manufacturing.

The petition requests that 3.13 acres, containing approximately 300 feet of frontage on Orange Avenue and a depth of almost 540 feet, be rezoned to C-2, General Commercial, with a proffered condition that prohibits fifteen (15) delineated C-2 uses. Although the petition states that the request is “for the purpose of permitting a restaurant on the property,” the petition’s proffered condition does not limit development of this parcel to a restaurant use. Because the concept plan is not proffered, neither the restaurant “delineation” nor the footprint of the building in terms of size or location as delineated on the concept plan are proffered.

The following factors underscore the significance of the subject site:

- The site’s location at a major gateway to the City and its proximity to the entrance to the Roanoke Center for Industry and Technology (RCIT);
- The site’s 3.13-acre size and its potential for accommodating multiple uses, structures, signage, and curb cuts; and
- The limited opportunity within the City for development of a property that represents both significant size and a location along a major gateway.

Given the significance of the subject site and the potential impact of its development as a C-2 property, there are concerns with the potential use(s) of the property that would be permitted if the rezoning request were approved in its current form. The Fifth Amended Petition proffers that 15

permitted C-2 uses would be prohibited on the property. The C-2 District permits 36 other uses by right (including highway convenience stores, open air markets, and automobile cleaning facilities) and 11 special exception uses. Without additional proffers which refine their development as to intensity, traffic generation and circulation, curb cuts, and streetscape, certain C-2 uses permitted within the parameters of the current form of this petition could be inappropriate on this site.

Although the Fifth Amended Petition lengthens the list of C-2 uses that would be prohibited on the property, the petition establishes no site development parameters within which this property could be developed if the rezoning request in its current form were approved. In order to assess the proposal's consistency with *Vision 2001-2020's* site development principles, the following issues should be addressed as a condition of the rezoning:

- Number and location of curb cuts and shared access
 - More definition within petition to assess request's consistency with *Vision 2001-2020's* policies of minimizing curb cuts and taking advantage of opportunities to share points of access on a multiple use, multiple structure parcel;
 - Justification of more than one curb cut from a functional standpoint given that no median break on Orange Avenue would be permitted in this location because of the proximity to the Mexico Way/Blue Hills traffic signal.
- Freestanding signage
 - C-2 sign regulations would permit a total sign allocation for this property, both attached and freestanding, of up to 848.5 square feet of sign area; and
 - Up to 3 freestanding sign structures on the property would be permitted, which structures could include a total of 4 signs, with up to a total of 249 square feet of sign area;
- Relationship of a building or buildings to Orange Avenue in terms of defining the streetscape, particularly in regard to the setback of any building and the amount of pavement that separates any building from Orange Avenue;
- Landscaping, specifically in terms of preserving and replacing tree canopy; and
- Designation and planting of the required landscape buffer along the subject property's southern and eastern boundaries which abut a residentially zoned parcel.

Staff discussed concerns with the petitioner and worked with the petitioner to address those issues. Early discussions resulted in the filing of an Amended Petition (first amended), which addressed the issues of minimizing curb cuts (limited to one on Orange Avenue), freestanding signage (limited to one), and

use (limited to a restaurant). With the filing of the first amended petition, staff had only one outstanding issue, the amount of off-street parking located between the building and Orange Avenue. The evolution of subsequent amended petitions only reinforced concerns with the lack of refinement for development of this large property which can accommodate multiple uses and multiple structures. The Second, Third, and Fourth Amended Petitions, and the Fifth Amended Petition, which is the petition under consideration, provide none of the proffered conditions of the first amended petition and provide less definition of site development.

Since 1989, three (3) properties on the southern side of Orange Avenue, in close proximity to the subject property, have been conditionally rezoned from residential to C-2, General Commercial. Those rezoning requests were approved subject to proffered use and a proffered site plan. The property abutting the subject property to the east was conditionally rezoned in 1991 for a flower shop restricted to an existing residential structure.

Given the significance of this property, both its location and size, a change in zoning district designation that would permit the C-2 development of this site should be deemed appropriate only if the proposed development is found to be consistent with *Vision 2001-2020's* policy regarding the creation of commercial centers rather than strip development. The petition, in its current form, is seriously deficient in providing definition that allows an assessment of the request's consistency with the following policies and principles of *Vision 2001-2020*:

- Commercial development should be concentrated at key intersections...Curb cuts should be minimized. (p. 92, Commercial corridors)
- ...encourage maximum use of commercial and industrial sites by addressing setbacks, lot coverage, parking requirements, and landscaping to encourage development of commercial businesses in centers versus strip developments. (p. 61, ED A27)
- A continued comprehensive emphasis on city design will improve Roanoke's attractiveness for new commercial and residential development and strengthen individual neighborhoods. (p. 4, #2)
- Buildings and trees should shape the City's image rather than asphalt and signs. (p. 4, #2)
- Building location and design should be considered as important elements of the streetscape and should be used to define the street corridor as a public place. (p. 95, Buildings)

- Parking: Roanoke will...discourage excessive surface parking lots. Off-street parking will be encouraged to the side or rear of buildings. (p. 72, IN P4)
- Commercial centers (p. 91-92):
 - Maximize site development through reduced parking spaces, increased lot coverage, and parcels developed along street frontages.
 - Parking lots should have trees located in the interior of the site and along street frontages.
 - Curb cuts should be minimized; shared parking lots...should be encouraged.
- Signs should be limited in number and scaled in size to minimize visual clutter. (p. 95, Trees, Signs, and Lighting)

The petition's concept plan and the lack of definition of site development in the form of proffered conditions raise serious questions about this site being developed in a manner that is consistent with *Vision 2001-2020*, particularly with regard to commercial development along major corridors and at gateways to the City. The current form of the petition, if approved, could result in land uses and site development that would permit a continuation of a strip commercial pattern of development on this site that would be inconsistent with *Vision 2001-2020*.

No one has contacted the planning staff in opposition to this petition.

During the Planning Commission public hearing, there was no public comment. Planning Commission discussion included the following:

- Decisions about curb cuts on Orange Avenue;
- Why the petitioner is unwilling to limit use of the property to a restaurant if that is the known proposed use of the property and to come back before the Planning Commission for an amendment of proffered conditions when it is known how the rest of the property is to be developed;
- Availability of land properly zoned in the City for a restaurant if the petitioner does not want to come back to the Commission to amend proffered conditions;
- Locating the building closer to the street frontage and property line (cited successful restaurants in Roanoke which have parking to the sides and rear, not in the front, as well as other jurisdictions in which the same franchise of the petitioner sited the building closer to the street with no parking in the front);

- Clarification as to why the first amended petition which addressed 3 of the 4 issues raised by staff (all except the placement of the building) was subsequently amended not to include those proffered conditions (bringing such petition forward to the Commission would have provided for a more focused discussion of the issues);
- Need to get a clear idea of the proposal by seeing a site plan and development model that shows where the buildings are located and how they relate to the street; and
- The lack of specificity in the petition, with the form of the petition containing little substance on which to justify a rezoning of over three acres of land.

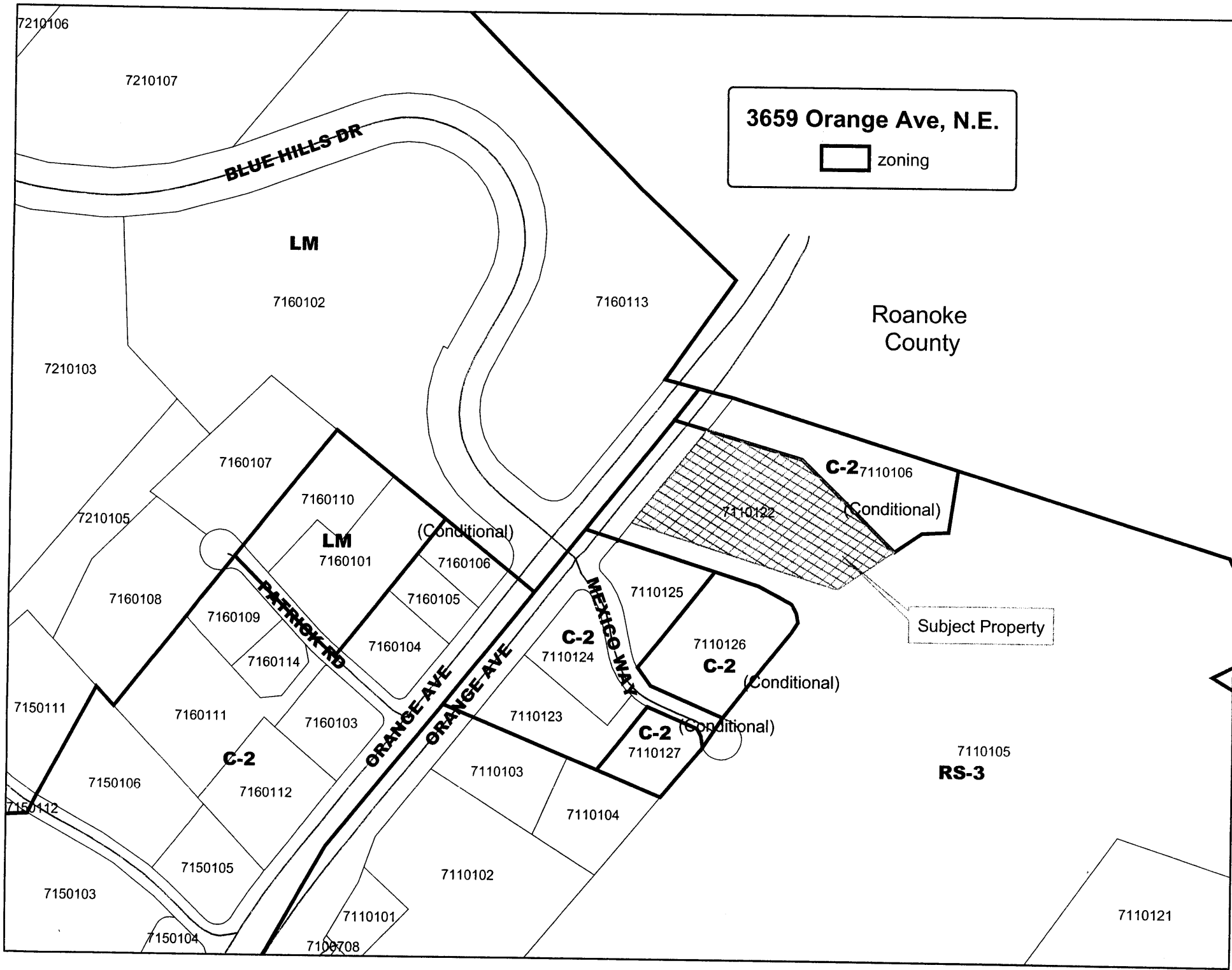
Recommendation:

Without a clearer definition of the proposed development in terms of use and site development that would allow for an assessment of the proposal's consistency with *Vision 2001-2020*, the Planning Commission recommends that City Council deny the requested rezoning.

Respectfully submitted,


 Robert B. Manetta, Chairman
 Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
 Rolanda Russell, Assistant City Manager for Community Development
 William M. Hackworth, City Attorney
 Steven J. Talevi, Assistant City Attorney
 Maryellen F. Goodlatte, Attorney for the Petitioner



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of one tract of land located at 3659 Orange Avenue, N.E., identified as official Tax Map Number 7110122, from RS-3, Residential Single-Family District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

FIFTH AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

Petitioner FUDDS OF S.W.VA., INC., owns real property in the City of Roanoke, Virginia, containing 3.130 acres, more or less, located at 3659 Orange Avenue, N.E. and being Tax Map Number 7110122. The property is currently zoned RS-3, Residential Single-Family District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from RS-3, Residential Single-Family District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of permitting a restaurant on the property. The conceptual development plan prepared by Lumsden Associates, P.C., dated February 4, 2004, is attached hereto as Exhibit B ("Development Plan").

Your petitioner believes the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and Vision 2001-2020 Comprehensive Plan. This property is located along and would be oriented toward Orange Avenue. This project will promote quality development and good use along the Orange Avenue commercial corridor, and would permit this parcel to be used for commercial purposes consistent with its C-2 neighbors.

Your petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the following uses shall not be permitted on the property:

1. Police stations;
2. Fire stations;
3. Rescue squads and ambulance services;
4. Military reserve and National Guard centers;
5. Training facilities related to police, fire, rescue and ambulance uses;
6. Coliseums, stadiums, exhibition halls, and similar facilities;
7. General service establishments;
8. Outdoor advertising;
9. Gas stations;
10. New motor vehicle sales and service establishments;
11. Public parking lots;
12. Public parking structures;
13. Bus terminals for the loading and unloading of passengers;
14. Used motor vehicle sales and service establishments; and
15. Towing services.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, your Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

This Fifth Amended Petition is respectfully submitted this 9th day of April, 2004.

FUDDS OF S.W.VA., INC.,
a Virginia corporation

By: Maryellen F. Goodlatte
Of Counsel

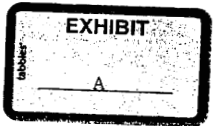
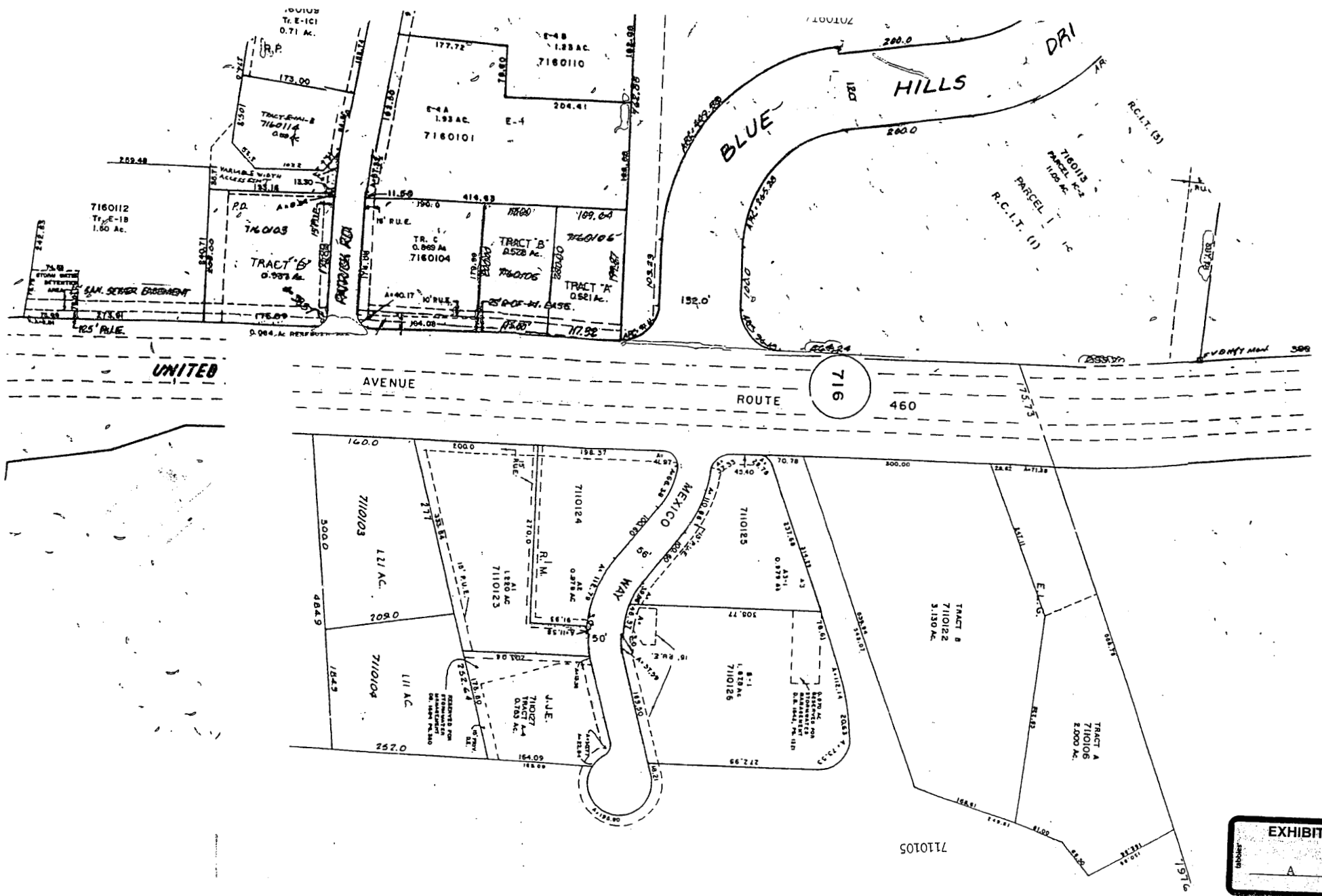
Maryellen F. Goodlatte, Esq.
Glenn, Feldmann, Darby & Goodlatte
210 1st Street, S.W., Suite 200
P. O. Box 2887
Roanoke, Virginia 24001-2887

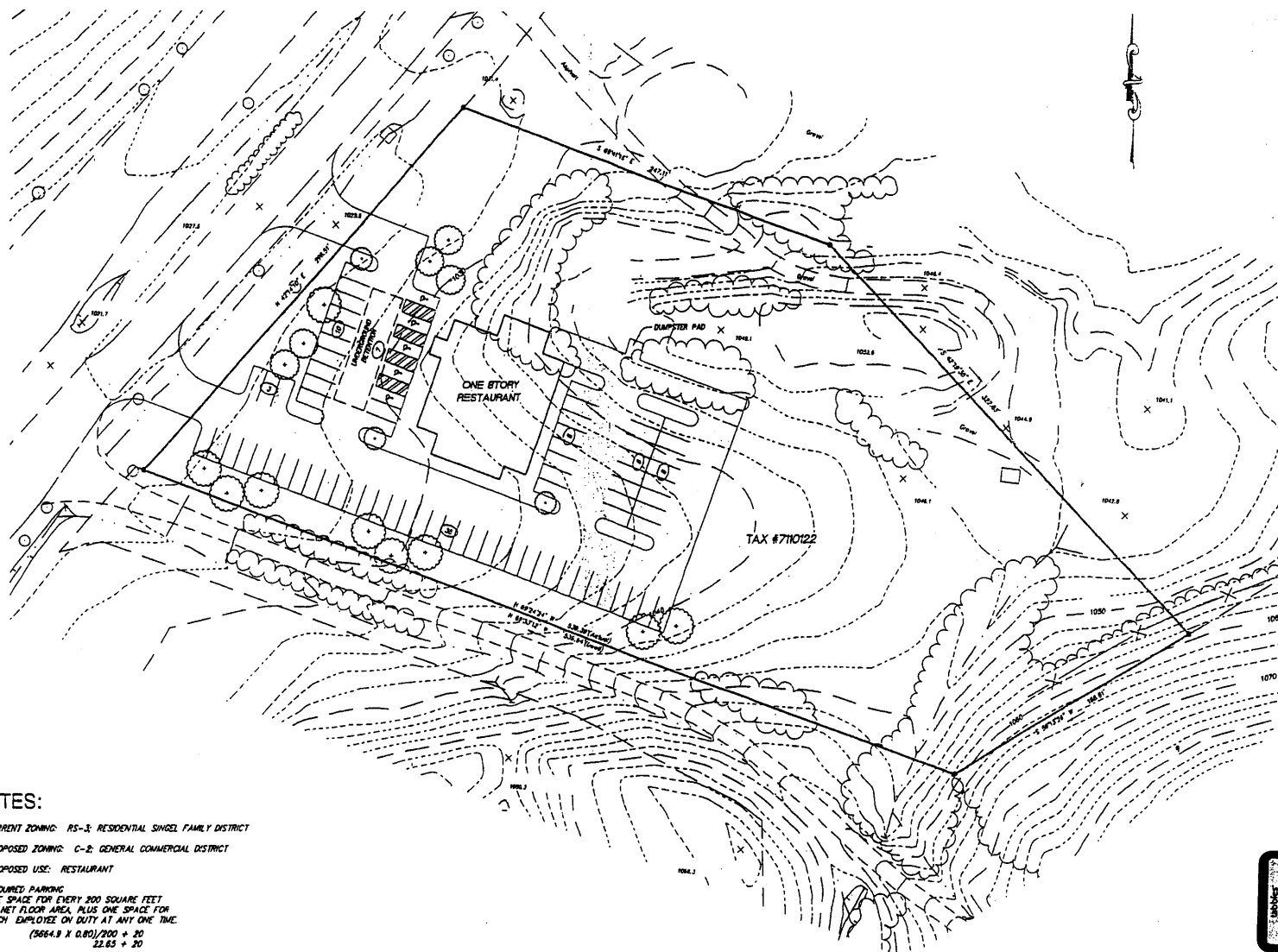
(540) 224-8018 - Telephone
(540) 224-8050 - Facsimile
mgoodlatte@gfdg.com

FUDDS OF S.W.VA., INC., a Virginia corporation, owner of the property subject to this petition, hereby consents to this fifth amended petition including the voluntary proffers contained herein.

FUDDS OF S.W.VA., INC.

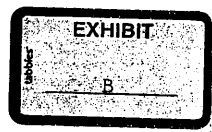
By: *Victor J. Feltz*
its: *Protee*





NOTES:

1. CURRENT ZONING: RS-3; RESIDENTIAL SINGLE FAMILY DISTRICT
2. PROPOSED ZONING: C-2; GENERAL COMMERCIAL DISTRICT
3. PROPOSED USE: RESTAURANT
4. REQUIRED PARKING:
 ONE SPACE FOR EVERY 200 SQUARE FEET
 OF NET FLOOR AREA, PLUS ONE SPACE FOR
 EACH EMPLOYEE ON DUTY AT ANY ONE TIME.
 $(3664.9 \times 0.80) / 200 + 20$
 $22.65 + 20$
 TOTAL REQUIRED SPACES = 43
 PARKING SPACES PROVIDED: 79 SPACES



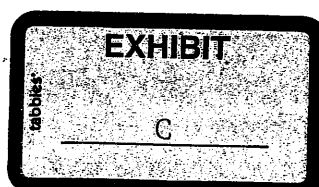
PRELIMINARY PLAN
 FOR PROPERTY SITUATED ON
 ORANGE AVENUE, N.E. - U. S. ROUTE #460
 TAX #7110122
 LOCATED IN
 CITY OF ROANOKE, VIRGINIA

ADJOINING PROPERTY OWNERS

FUDDS OF S.W.VA., INC.

Tax Parcel Number 7110122
3659 Orange Avenue, N.E., Roanoke, Virginia 24012

| <u>Tax Map Number</u> | <u>Owner(s)/Address</u> |
|-----------------------|--|
| 7110106 | Evelyn Keister Gish 3659 Orange Avenue, N.E. Roanoke, Virginia 24012 |
| 7110105 | Parkway Wesleyan Church, Inc. 3230 King Street, N.E. Roanoke, Virginia 24012 |
| 7160102 7160113 | City of Roanoke 215 Church Avenue, Room 250 Roanoke, Virginia 24011 |



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

EST
4/37/04

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Fudds of S.W.VA., Inc. has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-3, Residential Single-Family District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on May 20, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the

recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That certain tract of land located at 3659 Orange Avenue, S.E., containing 3.13 acres, more or less, known as Official Tax No. 7110122, and designated on Sheet No. 711 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RS-3, Residential Single-Family District, to C-2, General Commercial District, subject to the proffers contained in the Fifth Amended Petition filed in the Office of the City Clerk on April 12, 2004, and that Sheet No. 711 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

**Subject: Tax Exemption Request
from Unified Human
Services Transportation
Systems, Inc., (RADAR)**

Dear Mayor Smith and Members of City Council:

Background:

The Unified Human Services Transportation Systems, Inc., which transacts business as RADAR, owns the property known as Tax Map #s 2510106-2510117, inclusive, located between Breckinridge Avenue and Baker Avenue, NW, Roanoke. The primary purpose of the RADAR is to provide an efficient and cost-effective transportation system to the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation. Annual taxes due for Fiscal Year 2004-2005 are \$296.44 on an assessed value of \$24,500.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, with an effective date of January 1, 2003. The Unified Human Services Transportation Systems Inc., (RADAR) has provided the necessary information required as a result of the

adjustments made to our revised local policy prior to the deadline of April 15, 2004.

According to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$237.19 after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be \$59.25.

Commissioner of Revenue, Sherman Holland, has determined the organization is currently not exempt from paying real estate taxes by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 tax-exempt organization.

Notification of a public hearing to be held May 20, 2004, was duly advertised in the Roanoke Times.

Recommended Action:

Authorize the Unified Humans Services Transportation Systems, Inc. (RADAR) exemption from real estate property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective July 1, 2004, if the organizations agree to pay the subject service charge by that date.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/vst

Attachments

- c: Honorable Sherman A. Holland, Commissioner of Revenue
- Honorable Evelyn W. Powers, City Treasurer
- Mary F. Parker, City Clerk
- William M. Hackworth, City Attorney
- Jesse A. Hall, Director of Finance
- Susan S. Lower, Director of Real Estate Valuation
- Elizabeth A. Neu, Director of Economic Development
- Sherman M. Stovall, Acting Director of Management and Budget

CM04-00076

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA**IN RE:**

**PETITION OF UNIFIED HUMAN SERVICES
TRANSPORTATION SYSTEM, INC. (RADAR)
REQUESTING THAT CITY COUNCIL ADOPT
AN ORDINANCE EXEMPTING ITS REAL
PROPERTY FROM TAXATION**

**TO: THE HONORABLE MAYOR AND THE MEMBERS OF THE COUNCIL
OF THE CITY OF ROANOKE:**

The Petitioner, Unified Human Services Transportation System, Inc., which transacts business as RADAR, petitions City Council to adopt an Ordinance granting RADAR a tax exemption for its real property pursuant to Article X, § 6(a)(6), Constitution of Virginia, Va. Code Ann. § 58.1-3651 and Resolution No. 36331-051903, adopted by the Council of the City of Roanoke, Virginia. In support of its Petition, RADAR states as follows:

1. RADAR is a non-profit, tax exempt 501(c)(3) corporation under the Internal Revenue Code. RADAR was created in 1974 by twenty-four social service agencies to serve as a non-profit transportation organization. The primary purpose of RADAR is to provide an efficient and cost-effective transportation system to the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation.

2. By Chapter 428 of the 2002 Acts of Assembly, the General Assembly designated RADAR as a charitable or benevolent organization within the context of § 6(a)(6) of Article X of the Constitution of Virginia. The General Assembly further determined certain of RADAR's real property, identified by official tax map numbers, to

be exempt from local taxation as long as such property is used by RADAR exclusively for charitable or benevolent purposes on a non-profit basis.

3. Subsequently, RADAR acquired additional real property, and RADAR now petitions City Council for tax exemption of its real property.

4. RADAR hereby provides the information required by Step 2 of City Council's Policy and Procedure as set forth in Resolution No. 36331-051903:

a. RADAR is a non-profit, tax exempt 501(c)(3) corporation under the Internal Revenue Code. The primary purpose of RADAR is to provide an efficient and cost-effective transportation system to the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation. RADAR seeks exemption from taxation of its real property.

b. RADAR's property is eligible for tax exemption pursuant to Article X, § 6(a)(6), Constitution of Virginia, and Va. Code Ann. § 58.1-3651.A.

c. The Commissioner of Revenue has determined that RADAR is not already eligible for tax exempt status by classification or designation. A copy of the written determination of the Commissioner is attached to this Petition as Exhibit A.

d. RADAR agrees to pay to the City an annual service charge equal to twenty percent of the real estate tax levy that would be applicable to the real property of RADAR, if RADAR were not exempt from such taxation, for so long as the tax exemption is in effect.

e. RADAR is not located within a service district of the City.

f. By Paragraph 5 of this Petition, RADAR provides its detailed answers to the questions set forth in subsection B of § 58.1-3651, Code of Va. (1950), as amended.

g. RADAR agrees, if its real property is approved for tax exempt status, to provide information to the Director of Real Estate Valuation upon request to allow a triennial review of the tax exempt status of RADAR.

5. RADAR responds to the issues required to be addressed by RADAR, pursuant to subsection B of § 58.1-3651, Code of Va. (1950), as amended, as follows:

a. RADAR is exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954.

b. A current annual alcoholic beverage license for serving alcoholic beverages has not been issued by the Virginia Alcoholic Beverage Control Board to RADAR for use on any of its property.

c. No director, officer, or employee of RADAR is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders.

d. No part of the net earnings of RADAR inures to the benefit of any individual, and no significant portion of the service provided by RADAR is generated by funds received from donations or contributions. For the current fiscal year, RADAR received the following local, state and federal grants:

| | |
|-----------|-----------|
| Local - | \$ 23,000 |
| State - | \$244,902 |
| Federal - | \$494,914 |

e. RADAR provides services for the common good of the public.

RADAR is a non-stock, non-profit corporation that was created in 1974 by twenty-four social service agencies to serve as a non-profit transportation organization. RADAR contracts with area social service agencies, governments, and other organizations to provide transportation services for their clients or citizens, primarily in the Roanoke Valley area. The goals of RADAR are to provide a consolidated system to meet the varied transportation needs of human service agencies and the general public through purchase of service agreements. To accomplish its goals, RADAR operates fifty-five vehicles, two-thirds which are handicapped accessible.

f. No substantial part of the activities of RADAR involves carrying on propaganda, or otherwise attempting to influence legislation. RADAR does not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

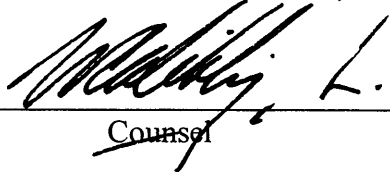
g. Only real property acquired by RADAR after the effective date of Chapter 428 of the 2002 Session of the General Assembly is affected by this Petition (the "After-Acquired Property"). The After-Acquired Property is currently assessed at \$24,500.00 and the annual real estate tax on the After-Acquired Property would be \$296.44. If granted an exemption from real property tax, RADAR would pay the City an annual service charge equal to twenty percent of the real estate tax levy that would be applicable to the After-Acquired Property if RADAR were not exempt from real property taxation. Thus, the revenue impact to the City, based on RADAR's current taxable real property holdings in the City, would be \$237.19.

h. RADAR has addressed all issues required to be addressed by it under Resolution No. 36331-051903 and subsection B of § 58.1-3651, Code of Va. (1950), as amended. RADAR will address any other criteria, facts and circumstances that City Council deems pertinent to the adoption of an ordinance exempting RADAR's real property from taxation.

WHEREFORE, RADAR requests that City Council adopt an ordinance exempting its real property from taxation pursuant to Article X, § 6(a)(6), Constitution of Virginia, Va. Code Ann. § 58.1-3651, and Resolution No. 36331-051903.

Respectfully submitted this 24~~th~~ day of March, 2004.

UNIFIED HUMAN SERVICES
TRANSPORTATION SYSTEM, INC.

By: 
Counsel

Wilburn C. Dibling, Jr. (VSB No. 01188)
Gentry Locke Rakes & Moore
Post Office Box 40013
Roanoke, Virginia 24022-0013
Phone: 540-983-9370
Fax: 540-983-9468

**COMMISSIONER OF THE REVENUE
CITY OF ROANOKE**

SHERMAN A. HOLLAND
Commissioner

GREGORY S. EMERSON
Chief Deputy

March 3, 2004

Unified Human Services Transportation System Inc(RADAR)
P O Box 13825
Roanoke, Va. 24037

RE: Tax Map Nos 2510106,107,108,109,111,112,113,114,115,116 & 117

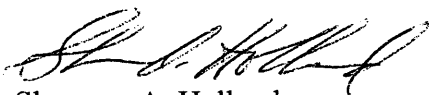
Dear Sir:

In regards to the above parcels, they are being taxed by the City of Roanoke for real estate taxes for the tax year 2003-04.

To be placed on the tax exempt rolls, a form has to be filed with the Roanoke City Council to get the tax exempt status.

I hope this is the information that you need, please contact me if you have more questions.

Sincerely,



Sherman A. Holland
Commissioner of the Revenue

EXHIBIT

A

WM 18
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate taxation certain property of the Unified Human Services Transportation System, Inc. (RADAR), located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Unified Human Services Transportation System, Inc. (RADAR), (hereinafter the "Applicant"), has petitioned this Council to exempt certain real property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on May 20, 2004;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 2510106 through 2510117, inclusive (the "Property"), and providing that the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates the Unified Human Services Transportation System, Inc. (RADAR), as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 2510106 through 2510117, inclusive, owned by the Applicant, which property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the property in accordance with the purposes which the Applicant has designated in this Ordinance.

2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

3. This Ordinance shall be in full force and effect on July 1, 2004, if by such time a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.

4. The City Clerk is directed to forward an attested copy of this Ordinance, after it is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Curtis A. Andrews, Executive Director, of Unified Human Services Transportation System, Inc. (RADAR).

5. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO AND EXECUTED by Unified Human Services Transportation System, Inc. (RADAR), this ____ day of _____, 2004.

UNIFIED HUMAN SERVICES TRANSPORTATION
SYSTEM, INC. (RADAR)

By _____ (SEAL)
Executive Director



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 20, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Adoption of the *Wireless Telecommunications Policy* as an element of *Vision 2001-2020*, the City's Comprehensive Plan.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 15, 2004. By a vote of 7-0, the Commission recommended the adoption of the Wireless Telecommunications Policy as an element of the City's comprehensive plan.

Background:

The *Wireless Telecommunications Policy* has been drafted to address the increasing demand for wireless telecommunications facilities by setting forth policies, principles, and intended achievements in regard to regulating wireless telecommunications facilities on both publicly and privately owned land. Recent court cases have underscored the importance of jurisdictions' adopting a wireless telecommunications policy.

Considerations:

The *Wireless Telecommunications Policy* acknowledges the parameters of regulation as set forth in the Telecommunications Act of 1966 while recognizing the Act's preservation of the City's zoning authority over the

placement, construction, and modification of personal wireless service facilities. The *Wireless Telecommunications Policy* sets the direction for specific standards and development regulations within the City's zoning ordinance for the development of wireless telecommunications facilities, with such standards to provide a uniform approach toward analyzing and processing wireless telecommunications facilities requests from a land use perspective.

The recommendations of the *Wireless Telecommunications Policy* are intended to accommodate the growing coverage and capacity needs of carriers while preserving and minimizing the negative impact wireless telecommunications towers have on the surrounding natural and built environments. Major recommendations of the *Wireless Telecommunications Policy* are to:

- Encourage collocation of antennas on existing towers, structures, and buildings and the use of stealth wireless telecommunications facilities through a streamlined approval process
- When necessitated, approve new towers that are low impact in terms of location, siting, height, and design by
 - Establishing a hierarchy of categories of lands on which to construct wireless telecommunications towers
 - Establishing guidelines for siting a wireless telecommunications tower on a property;
 - Requiring applicants to document justification for requested heights of towers
 - Considering the mitigation of the visual impact of a tower through design elements such as the size, area, and bulk of the tower or other support structure, associated equipment enclosures, and the types of antennas and mounting techniques
- Take a regional approach by considering the potential impact of a proposed wireless telecommunications facility on surrounding jurisdictions as well as the City
- Establish a process and fee for utilizing a consultant to assist the City in evaluating the alternatives and potential impacts of a special exception request for a wireless telecommunications facility
- Develop uniform standards of visibility and impact within the zoning regulations by which applications for wireless telecommunications facilities will be reviewed and evaluated

Vision 2001-2020 includes the following three general policies related to wireless telecommunications facilities:

IN P6. Roanoke will facilitate development of the capacity and coverage of fiber-optic, cable, and wireless communications networks.

- IN P6. The visual impact of telecommunication facilities will be minimized by collocation and placement of towers in strategic locations.
- EC A11. Adopt zoning regulations that address communication towers to minimize their visual impact.

The *Wireless Telecommunications Policy* is the next step in further refining the general policies of *Vision 2001-2020*. The *Wireless Telecommunications Policy* has more specific policies and actions for reviewing and evaluating requests for wireless telecommunications facilities within the City. The *Wireless Telecommunications Policy* contains specific recommendations that should be implemented through the update of the zoning ordinance.

The Planning Commission held a public hearing on the *Wireless Telecommunications Policy* on April 15, 2004. Public comment at the hearing included the following:

- Mr. Don Nicholas, Verizon Wireless
 - To encourage use of existing facilities, allow by right the increase of antenna height by 10 to 15 feet;
 - Make certain government facilities by right structures for the placement of telecommunications facilities; and
 - Add public properties to the preferred location list.
- Ms. Paige Hoffer, T-Mobile
 - Clarify that “in trees” means located among trees, not attached to a tree;
 - Favors City-owned property being a by-right location for telecommunications facilities; and
 - Be realistic in restricting heights and encourage stealthing by streamlining process for stealth wireless telecommunications facilities.

In addition, the Planning Commission received written comments from SunCom and NTelos.

A majority of the comments received are related to regulations rather than policy and therefore will be considered as a part of the update of the zoning ordinance.

Planning Commission discussion included the following:

- The feasibility of placing wireless telecommunications facilities/antennas among trees;
- Need to address setback issues as they may apply to narrow slivers of industrially zoned land;

- Encourage creativity in the design and placement of wireless telecommunications facilities, such as placing antennas within unused brick chimneys; and
- Concern about establishing a policy that would encourage wireless telecommunications facilities as a by-right use on City-owned property (approval process should be subject to same regulatory review and standards based on zoning district or classification not public versus private ownership).

Recommendation:

By a vote of 7-0, the Planning Commission recommended adoption of the *Wireless Telecommunications Policy* as an element of *Vision 2001-2020*, the City's Comprehensive Plan.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Robert B. Manetta, Chairman
City Planning Commission

Attachment

- c: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

Wireless Telecommunications Facilities An Element of Vision 2001-2020

APPLICATION AND DEFINITION

For the purposes of this policy, the term "wireless telecommunications" includes personal wireless services as defined in the Telecommunications Act of 1996. [47 U.S.C._332(c)(7)(C)(i)] Wireless telecommunications facilities include any facility used for the transmission or reception of wireless telecommunications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, equipment enclosures, and the antenna-supporting structure.

BACKGROUND

Telecommunications Act of 1996

The Telecommunications Act of 1996 affects the City of Roanoke's land use decisions in regard to wireless telecommunications facilities. The Act preserves the City's zoning authority over the placement, construction, and modification of personal wireless service facilities.¹ [47 U.S.C._332(c)(7)(A)] However, City regulations and actions cannot unreasonably discriminate among wireless providers or have the effect of prohibiting the provision of personal wireless services. [47 U.S.C._332(c)(7)(B)(i)] Furthermore, any denial of a wireless service facility must be in writing and supported by substantial evidence contained in a written record. [47 U.S.C._(c)(7)(B)(iii)] The Act is intended to facilitate the growth of wireless telecommunications services while maintaining substantial local control over construction of towers and other wireless infrastructure.

Policy for Wireless Telecommunications Facilities on City Property

In 1997, City Council adopted the *City of Roanoke Policy as to Wireless Telecommunications Facilities Located on City Property*. That document establishes standards for wireless telecommunications facilities located on City-owned properties, including standards for applications, priority of use of City properties, leases, structural integrity, the screening of such facilities, and the blending of such facilities with the natural environment.

¹ As defined by the Act, the term "personal wireless service facilities" means facilities for the provision of commercial mobile services (which includes cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services. The term "unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Vision 2001-2020, the City's Comprehensive Plan

Vision 2001-2020, the City's Comprehensive Plan, establishes the following general policies which guide this specific policy on wireless telecommunications facilities:

- Roanoke will facilitate development of the capacity and coverage of fiber-optic, cable, and wireless communications networks. (*Vision 2001-2020*, page 72, IN P6)
- The visual impact of telecommunication facilities will be minimized by collocation and placement of towers in strategic locations. (*Vision 2001-2020*, page 72, IN P6)
- Adopt zoning regulations that address communication towers to minimize their visual impact. (*Vision 2001-2020*, page 50, EC A11)

Need for and Purpose of a Wireless Telecommunications Facilities Policy

As a result of an increased demand for wireless telecommunications services, providers are seeking continually to increase their service capacity and coverage areas. In order to address the increasing demand for wireless telecommunications facilities, it has become increasingly important for the City of Roanoke to set forth policies, principles, and intended achievements in regard to wireless telecommunications facilities on both publicly and privately owned land. Standards should be implemented to accommodate the growing coverage and capacity needs of carriers, while preserving and minimizing the negative impact wireless telecommunications towers have on the surrounding natural and built environments. Wireless telecommunications facilities should be deployed and constructed in a manner that respects the City's environment and the community's values.

The intent of this wireless telecommunications facilities policy is not to replace the 1997 City policy, but rather to provide applicants for wireless telecommunications facilities, property owners, and all other City residents clear guidance on the policies of the City of Roanoke regarding wireless telecommunications facilities on public and private lands. The policies established, and the standards and approaches recommended, by this document should be used by wireless telecommunications service providers as a guide when selecting alternative tower sites and tower designs within the City. In addition, the City of Roanoke should use these policies as a guide in the review and evaluation of any requests for wireless telecommunications facilities. These policies should set the direction for the establishment of specific standards and development regulations within the City's zoning ordinance for the development of wireless telecommunications facilities. Such standards and regulations should create a uniform approach toward analyzing and processing wireless telecommunications facilities siting requests from a land use perspective.

The City finds that there are reasonable and feasible alternatives to highly visible wireless telecommunications facilities. This policy is intended to allow for the provision of wireless telecommunications facilities that have limited visual impact on the community. Such facilities may be appropriate and may be approved in any zoning district if the proposal meets standards for siting and design as it relates to the facility's visibility and its visual impact.

POLICY APPROACH

It is the intent of the City to fully comply with all of the applicable provisions of the Telecommunications Act of 1996 and other applicable federal and state laws as such laws address and preserve the City's zoning authority and provide to the wireless telecommunications industry the right and responsibility to provide wireless telecommunications services within their service areas. The policies set forth in this document will be implemented through specific regulatory provisions in the City of Roanoke Zoning Ordinance.

When new wireless telecommunications facilities are proposed, visibility should be the primary consideration in evaluating such requests. Visibility can be measured in terms of the size, height, bulk, and location of the facility. Visibility can be further mitigated by the strategic placement of the facility on a site and the use of vegetative screening. The visual impact of a wireless telecommunications facility is often the most important standard by which it can be evaluated. It is the applicant's burden to substantiate that the requested location is necessary for service coverage and that the proposed facility is the least intrusive means to close a significant gap in service. The City should require an applicant for a wireless telecommunications facility to submit sufficient information to enable the City to measure the visual impact of a proposed facility.

- The measures of visibility of a proposed wireless telecommunications facility, as related to size, height, bulk, and location, should include the proposed facility's visual obtrusiveness (overwhelming its surroundings), visual intrusiveness (in relation to its surroundings), and visual incompatibility (in context with its surroundings).
- Towers and antennas with limited visibility should be encouraged, but a highly visible wireless telecommunications facility may be acceptable if the visual impacts are mitigated by means of camouflage, concealment, or disguise. Camouflage involves minimal changes to the host structure whereby the facility does not overwhelm the host structure and the host structure remains predominant. Concealment is the placement of the facility completely within an enclosed structure. Disguise is changing the appearance of the facility to appear to be something it is not. Wireless telecommunications towers should provide minimal visible intrusion in areas designated for less intense uses. Although siting and design standards should be considered with any application, such standards should be key in consideration of requests in areas of less intense uses.

- Towers should cause minimal impacts on public safety, the natural environment, and surrounding properties. Regulations should encourage coordination between providers of wireless telecommunications services.
- Regulations should protect the character, scale, viability, and quality of life of residential districts.
- Regulations should provide for the reasonable removal of discontinued wireless telecommunications towers and related facilities.

POLICIES

The City encourages the provision of new service capacity by locating new antennas on pre-existing wireless telecommunications towers or other existing structures, a practice known as collocation. Providers of wireless telecommunications services should consider the following when applying for a new facility in the City:

WTF P1. The placement, construction, or modification of wireless telecommunications facilities on existing buildings and other existing structures is strongly encouraged, and providers should always seek opportunities to locate on existing structures. Many times antennas installed on existing buildings, utility poles, water tanks, electric transmission towers, sign support structures, and park or ballfield lights can satisfy the intended coverage areas and diminish the need to erect new wireless telecommunications towers. Other options for placement include flagpoles, treetops, and church steeples. There should be flexibility in the type of antenna allowed, provided the antenna is mounted in a manner that does not dominate the structure and it does not exceed the height allowed by the zoning regulations.

The City further encourages the use of stealth wireless telecommunications facilities, designed in such a manner that they are installed on existing structures or appurtenances and are camouflaged or partially or totally concealed to blend with surroundings. Such facilities are inconspicuous, and citizens would not be able to differentiate reasonably between the existing structure and the facilities integrated into them. Potential sites include church steeples, bell towers, utility poles, and flagpoles.

WTF P2. Collocation on existing towers is strongly encouraged, provided visibility is not unnecessarily exacerbated. An arrangement where multiple carriers share space on the same wireless telecommunications tower allows for the “highest and best” use of an existing structure and could eliminate the need for construction of a new tower in an inappropriate area. Providers

should always seek out every opportunity to locate on existing wireless telecommunications towers. If an applicant does not propose a collocation site, the provider should demonstrate why collocation sites would not work and substantiate the need for a new tower. Any new facility should be designed to accommodate additional collocation opportunities. Collocation which results in adverse visual impact, such as vertical collocations that increase the height of a structure or the size or projection of antenna arrays from the support structure, should be discouraged. Visibility should be considered in determining the number, location, and design of platforms and antennas to be located on a tower.

WTF P3. Requests for new wireless telecommunications towers in the City should be approved when no other reasonable alternative exists for locating antennas needed for service coverage. Approved towers should be low impact in terms of location, siting, height, and design. To effectively accomplish low-impact towers, proposed towers should address the following principles:

- **Proper location:** New wireless telecommunications towers and antennas should be constructed in locations (the property or general area where such facility is to be placed) that will provide the least negative impact on the community and that will avoid or minimize environmental impacts to the greatest extent practicable, consistent with Federal rules and regulations. The location should be compatible with surrounding land uses and not detrimental to the City's attractiveness, health, safety, and welfare. To help alleviate the negative impact associated with towers, the following list provides a hierarchy of categories of lands on which to construct wireless telecommunications towers, from the most to least preferable:
 - (1) Industrially zoned lands
 - (2) Commercially zoned lands
 - (3) Downtown District zoned lands
 - (4) High density residential zoned lands
 - (5) Institutionally zoned lands
 - (6) Medium density residential zoned lands
 - (7) Agricultural or Recreation and Open Space zoned lands
 - (8) Low density residential zoned lands

A wireless telecommunications facility does not have to be located in the most preferable locations if careful siting and low-impact design considerations mitigate its impact. The less preferable the location, the more critical siting, height, and design become in consideration of a proposed facility.

- **Careful siting:** Siting refers to a specific point on a property where a wireless telecommunications facility is to be constructed, such as in the trees or on the roof. Strategic placement within trees or below a ridgeline can significantly reduce visibility of the facility. Wireless telecommunications facility locations at elevations lower than surrounding ridge lines, with adequate amounts of trees as a backdrop to eliminate skylining and reduce visibility of the facility, are preferred. If there is no other reasonable alternative and a proposed wireless telecommunications facility must be located on a ridgeline, it should be placed on an available transmission line where such power line has already cut the ridgeline or on existing buildings or other structures located on ridgelines. Siting of facilities should not create a hazard to adjacent property or cause the over-development of property that results in an undue intrusion onto adjacent property.
- **Minimizing height:** Given that Virginia law specifically authorizes the consideration of height in land use regulation and decisions, consideration of the proposed height of a new tower is appropriate. Many times the intended coverage can be accomplished with a lower height. Reducing height can be an effective means of reducing the visual intrusiveness of a tower. Providers should document justification of any requested height and conduct tests to demonstrate the visibility of the proposed facility from surrounding areas. Height considerations should include consideration of any lighting that may be required by other regulatory authority as a result of the proposed height and its effect on the visual impact of the tower.
- **Design:** A well-designed wireless telecommunications facility can make a difference, particularly in areas of high visibility. Design considerations should include the size, height, area, and bulk of the tower or other support structure, associated equipment enclosures, and the types of antennas and mounting techniques as they relate to the overall height, size, and bulk of the tower. Design issues related to public safety and welfare should also be considered.

- The use of monopole stealth towers is preferred in lieu of the more intrusive lattice design structures, which affect the size and bulk of a proposed tower. (Monopole stealth towers consist of hollow metal tubes and are designed to blend into the surroundings.)
- Lattice towers, which are capable of great height, may be acceptable if appropriately sited.
- Guyed towers may be appropriate in remote locations.
- Ground-mounted monopoles and masts are acceptable for wireless telecommunications facilities. Masts are preferable because they are shorter and more slender than monopoles and the antennas can be kept close to the pole, but monopoles are acceptable provided the antennas do not protrude far from the pole.
- An antenna-supporting structure should be no wider than the minimum necessary to support the proposed equipment.
- Roof-mounted facilities are acceptable but should be of a scale and color that are in keeping with the roof. It is preferable that roof-mounted facilities be flush-mounted on the parapet or a penthouse rather than projecting upwardly. Panel antennas should be located so that they do not peak above the roofline and should be positioned below the parapet.
- Dual-polarized or cross-polarized antennas are preferred over antenna arrays that provide for spatial diversity.
- Antennas should be mounted close to the supporting structure and should be designed to minimize visibility. For siting on utility poles, antennas should be mounted close to, or flush-mounted against, the pole. If located on top of the pole, overhang should be limited.
- Ground-based equipment should be limited in size and screened from view.
- The type and color of paint can reduce visibility of towers. Towers, regardless of location, should be painted with a neutral, flat paint, and should be a color which blends with its surrounding environment.

- Lighting and reflective signs should be allowed only when required by other regulating bodies such as the Federal Aviation Administration.
- Any advertising on towers should be prohibited.
- Security fencing should be provided.
- A wireless communications facility should not cause interference to any television, radio, telephone, electronic, or other communications device on or off the site of the facility.

WTF P4. Consideration of any request for a new wireless telecommunications facility within the City should be reviewed for its potential effects on surrounding jurisdictions as well as the City. Newly constructed towers should be located to provide the least negative impact to the citizens of all jurisdictions.

ACTIONS

WTF A1. Facilities located within existing structures and having no exterior visibility or collocating without exceeding previously approved heights should be handled administratively with subsequent approval if standards are met. Applications proposing visually intrusive facilities should require application to the Board of Zoning Appeals for a special exception. The justification of why and where a wireless telecommunications facility is proposed to be located should be the applicant's responsibility. Procedural requirements should be drafted to ensure proposed facilities are consistent with the character of the community; are reviewed within a reasonable period of time; and are reviewed according to clear and understandable design and location criteria.

WTF A2. Establish a process and fee for utilizing a consultant to assist the City in evaluating the possible alternatives and potential impacts of a special exception request for a wireless telecommunications facility.

WTF A3. Amend zoning regulations to include minimum submittal requirements for applications for wireless telecommunications facilities. Such standards should include:

- Documentation of service area needs for proposed location;

- Existing structures and collocation sites considered and rejected by the provider and the reasons why;
- Computer simulations and balloon tests to illustrate visibility of the proposed facility;
- Scaled plans depicting location of facility on the site, including setback dimensions;
- Design and photos of the specific type of support structure;
- Design and location of all associated equipment structures, cabinet, shelters, or buildings;
- Design, type, location, height, and configuration of all proposed antennas;
- Design, type, location, height, and configuration of all potential future antennas;
- Landscaping, screening, and security fencing plans;
- Proposed support structure's design and its capability to support other providers;
- Certification of the structural integrity of the support structure as affected by the attachment or location of proposed wireless telecommunications facilities; and
- Justification of the requested height.

WTF A4. Develop and incorporate uniform standards of visibility and impact within the zoning regulations by which applications for wireless telecommunications facilities will be reviewed, evaluated, and considered, with such standards to be used as findings for approval or denial of such applications. A regional approach to the regulation of wireless communications facilities should be taken; therefore, such regulations should be consistent with those of surrounding jurisdictions.

WTF A5. Compile information and develop a map and list showing all tower/antenna sites and providers using those sites within the City and surrounding jurisdictions in an effort to encourage and promote the collocation of antennas on existing public and private structures within the City. This map and list will allow the City access to

current information on tower locations to better assess the possibilities for alternative sites.

SS
4/27/04

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Wireless Telecommunications Policy, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Wireless Telecommunications Policy; and dispensing with the second reading of this ordinance by title.

WHEREAS, because of the increasing demand for wireless telecommunications facilities, policies, principles and intended achievements are needed to regulate the facilities on both publicly and privately owned land;

WHEREAS, the Wireless Telecommunications Policy ("Policy") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on April 15, 2004, and recommended adoption of the Policy and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include such Policy; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Thursday, May 20, 2004, on the proposed Policy, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Policy and amends Vision 2001-2020, the City's Comprehensive Plan, to include the Policy as an element thereof.
2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.
3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

))))
PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): Steven Dugger
2. Doing business as (if applicable): _____
3. Street address of property which is the subject of this appeal: 717 Highland Ave.
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: _____
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: April 8, 2004
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): _____
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: (replacements vinyl windows) Original windows were damaged by age. Installed same design as the old windows. To keep coal dust and noise from train to a minimum.
8. Grounds for appeal: The Review said the muntins didn't have same shadow depth.

9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Steven Dugger (owner) 354-8465 and or Paul Greybill (contractor - Troutville)

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Steve Dugger

Name: Steve Dugger
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

Name: _____
(print or type)

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by: Mary J. Parker

Date: 04-19-04



**CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

May 20, 2004

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Steve Dugger Appeal of
Architectural Review Board Decision
717 Highland Avenue, S.W.

Background:

In February 2004, a citizen advised staff that the original wooden windows had been replaced with vinyl windows on the house at 717 Highland Avenue, S.W., which is within the H-2, Neighborhood Preservation District. Ms. Anne Beckett, Architectural Review Board (ARB) Agent, contacted Mr. Steve Dugger, the owner and resident of the property. She met with Mr. Dugger on-site to discuss the project and arrange for the required design review.

The 1931, brick, Bungalow-style house is in excellent condition as a single-family residence. The original windows had exterior wooden muntins on the upper sash that created a six-over-one pattern, which is an architecturally defining feature of the building. The new windows have only interior muntins, or shallow grids sandwiched between the panes of glass.

Mr. Dugger advised staff that he was unaware that a Certificate of Appropriateness was required for replacing windows. Staff advised that replacement windows have been permitted in the H-2 district, if they have the same design as the original windows, and the architecturally defining features of the building are maintained. The project was not using materials of like design and therefore required ARB approval. Mr. Dugger has made numerous improvements to the house and property, and had previously worked with the Agent to obtain an administrative Certificate of Appropriateness for a rear gazebo.

Mr. Dugger filed an application for a Certificate of Appropriateness (See Application: Attachment A). On March 11, 2004, the Architectural Review Board (ARB) considered the application (See Minutes: Attachment B).

At the ARB meeting, Mr. Dugger stated that he changed the windows because of the coal dust and noise from the adjacent railroad tracks. Mr. Don Harwood, ARB member, stated that there are replacement windows available that could match the same configuration and shadow line as the original window, and advised that new muntins be installed on the exterior of the windows. The building contractor, Paul Graybill, stated that the new windows were appropriate to the H-2 Guidelines. He further stated that he could have muntins milled and added to the exterior of the replacement windows if that was the issue.

Mr. Robert Richert, ARB Chair, concurred with Mr. Harwood and suggested a continuance in order to consider other options for the muntins. Mr. Dugger agreed and requested that the matter be continued to the next month.

On April 8, 2004, the ARB again considered Mr. Dugger's application (See Minutes: Attachment D).

Mr. Graybill appeared before the Board on behalf of Mr. Dugger and was requesting approval of the windows. He stated that the window manufacturer could not provide an exterior muntin for the windows. Mr. Harwood agreed that it would be difficult to custom make muntins that required gluing if the window manufacturer could not provide it. Mr. Manetta then moved to approve the replacement of all windows in the house except for the four unchanged windows. Ms. Blanton seconded the motion.

Mr. Richert indicted his objection to the replacement windows, and said that he could not support the application. Mr. Manetta also added that if the applicant had read the H-2 Guidelines then he should have known to apply for a COA, and that he too could not accept the application.

There being no further discussion, a roll call was taken on the request. The motion to approve the application failed by a 3-3 vote. Mr. Dugger was formally notified of the denial and of his right to appeal to City Council by letter dated April 9, 2004. Mr. Dugger filed an appeal of the Architectural Review Board's decision on April 19, 2004 (Attachment D).

Considerations:

Section 36.1-345(c) of the Zoning Ordinance provides:

"The replacement of...windows...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the

building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

The materials being used were not of the same design as the original material and the architectural defining features of the building were not maintained as a result of the project. The project, therefore, required a Certificate of Appropriateness.

The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by City Council state that windows and doors are especially important in rehabilitation. Their size, shape, pattern, and architectural style not only provide architectural character but also give a building much of its scale, and detail. The guidelines further recommend the following be considered specifically when evaluating windows:

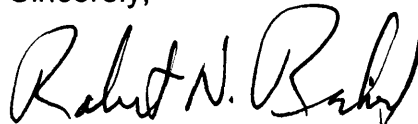
- Identify and keep the original materials and features of windows, such as size, shape, glazing, muntins, and moldings.
- Consider new replacement windows only when old replacements are unavailable. New replacements should be compatible in size and shape, design, and proportion.
- Use storm windows to improve thermal efficiency of existing windows.

Since January 1, 2000, there have been 15 window replacement approvals in the H-2 District (one from the ARB and 14 Administratively).

Recommendation:

The Architectural Review Board recommends that City Council affirm the ARB decision to deny the issuance of a Certificate of Appropriateness.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert N. Richert".

Robert N. Richert, Chairman
Architectural Review Board

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
R. Brian Townsend, Director, Planning Building and Development
Anne S. Beckett, Agent, Architectural Review Board

Roanoke Architectural Review Board
Request for Certificate of Appropriateness

ATTACHMENT A



① Date of Application: 12-31-03

② Property address: 717 Highland Ave.

③ Property owner:

Name: Steven Dugger

Address: 717 Highland Ave. SW
Roanoke, Va. 24016

Phone: 985-0491

④ Representative (contractor or agent):

Name: Owner

Address: _____

Phone: _____

Department of
Planning Building and Development
Room 166 Municipal Building
215 Church Avenue, SW
Roanoke, VA 24011
Phone: (540) 853-1730
Fax: (540) 853-1230

ARB Agent:
Anne Beckett, City Planner II
(540) 853-1522

⑤ Description of Work:

Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples).

Replacement windows.

⑥ Signature of owner (required)

Steven Dugger

Section below to be completed by staff

Tax Parcel Number: 1120913

Zoning District: RM-2

Overlay district: ☐ H1 ☒ H2

Other approvals needed:

☐ Zoning Permit

☐ Building Permit

☐ Other _____

Approval By: ☒ ARB ☐ Secretary

Approved:

Anne S. Beckett

Agent, Architectural Review Board

Date: 2-26-04

Certificate Number:

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March 11, 2004
Page 3

Mr. Tozier said that he understood the disdain the Board had with the transformation of the house. He said there needed to be something in place to keep this from happening to other homeowners. He said that he was not the only person who had moved into the neighborhood and not had a clue about the regulations. He said he did not purposely violate any of the guidelines. He said that if the Board chose not to approve the request, he would like to know how to move forward.

There being no further discussion, a roll call vote was taken on the request. The Certificate was denied by a vote of 4-1, as follows:

Mr. Harwood - yes
Mrs. Blanton - no
Mr. Schleuter - no
Mr. Stephenson - no
Mr. Richert - no

Mr. Richert advised Mr. Tozier that he could speak with Anne Beckett about his options.

4. Request from Steven Dugger for a Certificate of Appropriateness approving an existing window replacement at 717 Highland Avenue, S.W.

Mr. Richert asked Mr. Dugger if he had anything to add to his application.

Mr. Dugger said that he had changed the windows because of the dust and noise from the adjacent railroad tracks. He said that he did not know he needed approval from the Board for windows. He said he did get a Certificate from the Board last year when he built a deck.

Mr. Harwood said that there was a problem with having replacement windows that match the same configuration and shadow line as the original window. He said that Mr. Dugger's replacement windows had no shadow line. He asked if the manufacturer could provide a muntin bar for the windows.

Mr. Paul Graybill, builder, appeared before the Board and said that he might be able to get that done. He said that the Board's guidelines say that what he had installed was appropriate. He said he could have a muntin milled and painted if that was the issue. He said he did not change the opening.

Mr. Richert said that there was a significant problem because without the muntins, the appearance from the street was altered. He said that at this point, the Board did not have any alternative to consider. He said that the applicant could go forward with the application and take his chances or he could request the matter be tabled and come back next month after he has an opportunity to explore more options.

Mr. Dugger said he could continue the matter.

Mr. Richert asked if there was anyone in the audience to speak.

Mr. Mark Kary (813 5th Street, S.W.) appeared before the Board and said that this issue pointed out a communication problem. He said the Board needed to be sensitive to having materials accessible to homeowners.

There was further discussion of the size of a muntin and its application to the exterior of the window.

Ms. Blanton commented that windows were a big element in looking at a house. She said that exterior muntins were more important than interior ones for the presence of the house on the street. She said she appreciated all the work that had been done on the house, but the window element was missing.

Mr. Graybill said he was certain he could have something made up to add to the window.

Mr. Dugger said he had seen the same window replacement at 5th and Washington and that they were appropriate.

There being no further discussion, the matter was continued until the Board's April meeting.

5. Request from Kevin Hurley Photography for a Certificate of Appropriateness approving a wood fence at 1360 Maple Avenue, S.W.

Mr. Hurley said he had been working with Ms. Beckett on the application and would be glad to answer any questions. Mr. Hurley said that the purpose of the fencing was to protect some of the landscaping, as well as the children and others he would be photographing. He said that he would be adding finials to the fencing and proposed to paint the fence to match the house.

City Architectural Review Board
April 8, 2004
Page 2

Mr. Manetta clarified that the Board was acting on the single ramp.

Pastor Nixon stated that was correct.

Mr. Harwood asked if the handrail would be made of wood.

Pastor Nixon responded that it was going to be a treated wood painted white.

Ms. Becket reminded the Board that they had received a drawing of the handrail design.

Mr. Harwood questioned whether lattice was planned.

Pastor Nixon agreed that the lattice would abut the vertical members of the ramp.

Mr. Richert asked for audience comment.

There being none, he reviewed that the Board was acting on the diagram dated February 27, 2004, with the details of the ramp in the original application. He said the door would be flush metal with framing around it and that there would be wood lattice underneath the ramp.

Mr. Harwood suggested that since the door would face the window on the adjacent wall, that the width of the framing could match that of the window casing.

There being no further discussion, motion was made by Alison Blanton to approve the request as described. The motion was seconded by Mr. Manetta and approved 6-0.

3. Request from Steven Dugger for a Certificate of Appropriateness approving an existing window replacement at 717 Highland Avenue, S.W.

Mr. Paul Graybill appeared before the Board on behalf of Mr. Dugger. He said that he was Mr. Dugger's contractor and was requesting approval of the windows. He said that he had contacted the window manufacturer about adding a piece to the windows to produce a shadow line, as requested by the Board last month. He said that he had been told that there was nothing that could be added to the window without being glued. Mr. Graybill referred to ARB minutes from Williamsburg which contained information about the replacement window issue. Mr. Graybill

said that Ideal Lumber had told him they could make something from wood and he could attach that to the window. He discussed the size and the fact that the glue would yellow in time.

Mr. Richert asked for Board comment.

Mr. Harwood said that the piece would have to be about ¼" thick and if it was glued, he would be concerned about accelerated deterioration also. He said that his personal opinion was that in this case the solution the Board was asking for was probably going to be one that was going to be a high maintenance and difficult to keep in good shape. Mr. Harwood said this was another good example of something that easily falls through the cracks when a building permit is not required for window replacement. He suggested that a possible Code amendment be pursued.

Ms. Blanton also added that Mr. Graybill had thought he had met the criteria set forth in the guidelines, however, the Board was looking for a level of detail that was not as explicit as that set forth in the guidelines. She suggested the guidelines be reviewed for clarity.

Mr. Richert asked for further comments from the Board. There being none, he asked for staff comments.

Ms. Beckett said that she supported the action of the Board.

Mr. Richert said that the application simply said replacement windows.

Mr. Graybill said that he still had four new windows that had not been installed because he was waiting on the Board.

Mr. Richert questioned whether the two windows on the East side of the house were being replaced.

Mr. Graybill responded that they were ornamental windows beside the chimney and were not going to be replaced.

Mrs. Blanton asked if the four windows that were going to be replaced were still on the house.

Mr. Graybill said they were.

Mrs. Blanton asked if they were the same size as the ones on the front.

Mr. Graybill said they were not.

Mrs. Blanton asked if they could be used on the dormers on the front.

Mr. Graybill said they could not.

There was continued discussion about which windows have been replaced and where the four windows were located that had not been replaced. Mr. Graybill said that the four or five windows left were on the rear of the house and the windows next to the chimney were not going to be replaced. He said that windows for the rear had been ordered and were on-site, ready for installation.

Ms. Botkin asked if the windows next to the chimney were going to be painted.

Mr. Graybill said he was going to paint everything. He said that he had done work on many homes in the Old Southwest area and was very aware of how to do the work in the neighborhood.

Mr. Richert asked for further comments. There being none, Mr. Harwood made a motion that the Board approve the existing replacement windows that have been installed as well as the windows that have been ordered and are on-site and scheduled to be installed, but limited to two windows only and any future windows that they don't already have the material for will have to be in a separate application.

Mr. Townsend said it would be simpler to say all the in the house that have either been or intended to be replaced except for the two windows flanking the chimneys and the windows in the basement.

Mr. Harwood said he did not think the applicant was willing to accept splitting the future with what's already been put in. He said he would withdraw his motion.

Mr. Manetta said that he thought the applicant had said those were the things he was not going to do but the application does not say that. He said that the application reads he will replace every last window.

Mr. Manetta then moved an amendment to approve the replacement of all windows in the house except the two windows flanking the chimney and the windows in the basement.

Mrs. Blanton seconded the motion

Mr. Richert said that the problem he had was the one he always had with replacement windows, particularly when the owner does not come and talk to the staff in advance. He said this was always difficult but he could not support what is going to end up here and this house will then become an example for the next person that comes on and the next person and this removal of the texture and coming in after the fact and asking for approval is simply unacceptable. He said there were windows that could be purchased that would meet our requirements; they're more expensive, but of course, because that's the way a quality product that is consistent with the historic character of the houses and street faces in the H-2 neighborhood. He said it makes it even more difficult when the applicant chooses not to come and make his own case, therefore, he said he would not support the motion.

Mr. Manetta said he made the motion for clarification purposes, but noted that the representative of the applicant indicated that he had gotten copies of the materials for windows and doors to take back to the owner of the property to show examples. He said that if the owner had in fact reviewed these and thought he did not need to come before the Board, the language that is in the guidelines, whether counsel might agree with the language or not, clearly says that replacing missing doors and windows with new ones that duplicate the originals includes materials and colors; so even though it might be questionable whether or not in this day and age whether we would continue to do that, we have not changed the guidelines as they relate to windows and doors. He said that would alert him, if he was a contractor and about to make those changes and knew about the Certificate of Appropriateness process, as Mr. Graybill has said he has known about for many years, then he would be taking a very serious chance in light of all the education and knowledge he had about both the Board and the guidelines. He said that Mr. Graybill had probably made the changes knowing full well that the guidelines did not agree with what he was doing. He said that with that in mind he was not willing to accept an application that did not go back and fairly replace the materials in a manner that did not change the architectural appearance and context of the building.

Mr. Talevi asked if there was a second.

Mr. Manetta said there was a second to the motion to amend.

Mrs. Franklin stated that Mrs. Blanton had seconded the motion.

Mr. Richert asked for further comments. There being no further comments, Mr. Richert asked for roll call. The request was denied by a roll call vote of 3-3, as follows:

Ms. Botkin - yes
Mr. Harwood - yes
Mrs. Blanton - yes
Mr. Manetta - no
Mr. Stephenson - no
Mr. Richert - no

4. Request from Claude N. Smith, represented by Sav' On Signs, for a Certificate of Appropriateness approving a sign at 19 Salem Avenue, S.E.

Mr. Choy, proprietor of business at 19 Salem Avenue, S.E., and Bruce Brown from Sav' On Signs, appeared before the Board.

Mr. Richert asked if there was anything to add to the application.

Mr. Choy said there was not.

Mr. Stephenson asked what part of the sign was going to be painted and which part was going to be neon.

Mr. Brown explained that the purple would be paint, the yellow would be vinyl and the red outline would be neon.

Mr. Richert asked for further comments.

Ms. Botkin said she had no concerns about the sign, but asked if the owner was planning to change the color of the material of the awning.

Mr. Choy responded that he was not going to change the awning.

Mr. Stephenson asked if the colors had any symbolic meaning.

Mr. Choy said that they were the national colors of Thailand.

Mr. Stephenson said that, in his opinion, there was a conflict with the color of the sign and awning, however, he understood that color was a matter of taste.

Mr. Richert asked for comments from staff.

VIRGINIA;

IN THE COUNCIL OF THE CITY OF ROANOKE

IN THE MATTER OF

PETITION FOR APPEAL

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

1. Name of Petitioner(s): Steven Dugger
2. Doing business as (if applicable): _____
3. Street address of property which is the subject of this appeal: 717 Highland Ave.
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: _____
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: April 8, 2004
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1-345 if H-2): _____
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: (replacements vinyl windows) Original windows were damaged by age. Installed same design as the old windows. To keep coal dust and noise from train to a minimum.
8. Grounds for appeal: The Review said the muttons didn't have same shadow depth.
9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: Steve Dugger (owner) 354-8465 and or Paul Graybill (contractor - Troutville)

WHEREFORE, your Petitioner(s) requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

Signature of Owner(s)
(If not Petitioner):

Steve Dugger

Name: Steve Dugger
(print or type)

Name: _____
(print or type)

Signature of Petitioner(s) or
representative(s), where
applicable:

Name: _____
(print or type)

Name: _____
(print or type)

TO BE COMPLETED BY CITY CLERK:

Received by:

Mary J. Parker

Date:

04-19-04

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

| | | |
|----------------------------------|---|----------------------------|
| IN THE MATTER OF |) | |
| |) | <u>PETITION FOR APPEAL</u> |
| RHODNEY TOZIER and TRAVIS TOZIER |) | |
| d/b/a COMMUNITY PROPERTIES, LLC |) | |

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

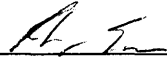
1. Name of Petitioner(s): **Rhodney Tozier and Travis Tozier**
2. Doing business as (if applicable): **d/b/a Community Properties, LLC**
3. Street address of property which is the subject of this appeal:
365 Washington Avenue
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: **H-2**
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: **March 11, 2004**
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1.345 if H-2): **Section 36.1-345**
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: **The Petitioner replaced the roof on the structure without seeking a Certificate of Appropriateness. The action was done innocently. A metal roof was replaced with asphalt shingles. The former metal roof was in a state of disrepair.**
8. Grounds for appeal: **The Architectural Review Board denied the Certificate of Appropriateness. The staff comments were that the Petitioner replaced the roof prior to advising the City staff and, thus, the staff had no opportunity to assess the pre-existing condition. The Petitioner submits that there was a definite and immediate need to replace the roof, and that the replacement roof is appropriate in that it is similar to other roofs which have received a Certificate of Appropriateness.**

9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: **Edward A. Natt, Esq., 3912 Electric Road, Roanoke, VA 24018, 540-725-8180**

WHEREFORE, your Petitioner requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

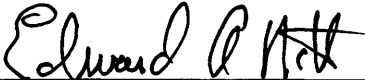
OWNER/PETITIONER:

**RHODNEY TOZIER and TRAVIS TOZIER
d/b/a COMMUNITY PROPERTIES, LLC**



Rhodney Tozier


Travis Tozier

PETITIONER'S REPRESENTATIVE:


Edward A. Natt, Esq.

TO BE COMPLETED BY CITY CLERK:

Received by: 

Date: 04-09-04

Roanoke Architectural Review Board

Request for Certificate of Appropriateness

① Date of Application: 3/29/04② Property address: 365 Washington

③ Property owner:

Name: Community Properties (Rhonda Tozier, Travis Tozier)Address: 1907 Belleville Rd
Roanoke, VAPhone: 342-2244

④ Representative (contractor or agent):

Name: Tony Barnes

Address: _____

Phone: 334-5372

Department of
Planning, Building and Development
Room 166 Municipal Building
215 Church Avenue, SW
Roanoke, VA 24011
Phone: (540) 853-1730
Fax: (540) 853-1230

ARB Agent:
Anne Beckett, City Planner II
(540) 853-1522

⑤ Description of Work:

Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples).

See attached description.

⑥ Signature of owner (required)

M. C. Tim

Section below to be completed by staff

Tax Parcel Number: _____

Zoning District: _____

Overlay district: ☐ H1 ☐ H2

Other approvals needed:

☐ Zoning Permit☐ Building Permit☐ Other _____Approval By: ☐ ARB ☐ Secretary

Approved: _____

Agent, Architectural Review Board

Date: _____

Certificate Number: _____

Description of Work

I am requesting a certificate of appropriateness to replace the roof at 365 Washington Avenue. I apologize for not submitting this request in advance of performing the work. I didn't realize that it was a requirement to acquire a certificate of appropriateness before replacing the roof at this address. Otherwise, I would have requested this certificate well in advance.

The prior roof at 365 Washington Avenue had pin holes in it in hundreds of places. These holes were visible in the attic and were a result of many years of rust. This rust wasn't visible from the street because the roof had been painted on the outside covering the rust. The roof was rusting from the inside out. The rust was causing leaks, which if allowed to continue, would have resulted in major damage to the house. According to the roofer I chose to perform the work, the roof couldn't be repaired. The only option was to replace the roof. The replacement roof is a shingled roof similar to every other home on its side of the block. The shingle that was used was an architectural shingle and is an upgrade over a standard 3 tab shingle that is used on many shingle roofs.

I located the roofer that I used (Tony Barnes) while he was replacing a roof at 409 Washington Avenue. This house was in a similar situation as my house. It had an existing metal roof and was replaced with a shingle roof. According to Tony, my metal roof was in worse shape than the metal roof at 409 Washington Avenue. Tony informed me after my roof was replaced that the home at 409 Washington had received a certificate of appropriateness. He assumed that I had received this certificate as well.

Unfortunately, since I am not required to get a permit from the city to replace the roof and I have never received any documentation of any kind concerning the historic guidelines of this neighborhood, I didn't realize that there were specific guidelines for replacing a roof. Also, it didn't occur to me that I couldn't replace the existing metal roof with a shingle roof because this was already being done one block from my house, and every other house on my block on my side of the street has a shingle roof. My intentions, both now and in the future, are to continue to maintain and improve the home wherever necessary. I now understand that this neighborhood has specific guidelines and I will follow those guidelines and will seek the approval of the Architectural Review Board before making any changes in the future. It is my hope that you will consider all of these circumstances when making your decision regarding the certificate of appropriateness for replacing the roof of this house.

Thank you in advance for considering this request. If you have any questions or need further information, please feel free to contact me at 342-2244.

365 Washington Avenue, SW -- H-2 District

D. Request from Community Properties, represented by Rodney Tozier, for a Certificate of Appropriateness approving an existing roof replacement.

Project Background and Description:

Mr. Tozier recently bought the house and replaced the standing-seam metal roof with asphalt shingles as was recommended by his contractor. Mr. Tozier states that he was not aware that he needed a Certificate of Appropriateness to change the roof material. His contractor recently replaced a metal roof with asphalt shingles on the same street; but those owners had obtained a Certificate of Appropriateness. Mr. Tozier's metal sheathing was replaced sometime over the weekend of January 3-5 and upon inspection by staff on January 7, the work was completed with equipment piled in the back yard. The city GIS photograph of the house that was probably taken in October of 2003 depicts the metal roof in good condition. Apparently, the roof had been painted but according to the owner was rusting from the inside out. The wrap-around front porch remains standing-seam metal. On further note, since that GIS photograph was taken, the red brick porch columns and knee walls have been painted, which is not recommended by the H-2 Guidelines. The stucco on the house was painted, which is acceptable, but also reflects a general makeover of the house.

The owner states that the current asphalt shingles are architectural grade and match the other roofs on his side of the street. While most of the roofs on the north side of the street have been changed to asphalt shingles, the south side has not.

Findings

Architectural styles are often identified by the form and materials of the roof, which is an important design feature. A well-maintained roof and gutter system will help prevent the deterioration of other parts of a building. Changing, removing, or adding materials or features to a roof can often alter or destroy a building's character.

The H-2 Architectural Guidelines recommends the following for roofs:

- Identify and keep original materials and features of roofs.
- Do not remove historic roofing materials, such as slate, clay tile, wood shingles, or metal, that are still in good overall condition.
- Keep standing seam roofs painted and all seams tightly crimped.
- When it is not feasible to replace standing-seam metal roofs with the same materials, explore the use of prefabricated battened-metal roof systems.

Staff Comments:

Staff cannot support the application because the owner had not contacted staff, who therefore was not able to assess the prior condition of the roof, nor offer advice on either its possible repair or the quality of the replacement material.

ARB Meeting 3/11

RR Item 3b Request from the Community Properties for an Certificate of Appropriateness approving an existing roof replacement at 365 Washington Avenue.

RT Rhodney Tozier, member of Community Properties. I will be representing them today.

RR O.K. Did you say Rhodes, is it?

RT Rhodney Tozier

RR Oh Tozier, yes alright. Do you have anything to add to what you have done herc. Let's see. I don't see anything.

RT Basically, the changes to the proposal would be to remove the awning and I am requesting the board help me make a decision on the existing porch roof. I am able to go either way. If we want to keep that in a metal and attempt to repair it, I am certainly open to that and I am open to making it consistent with the shingled roof as well.

RR You are not proposing any modification to the existing roof of the building?

RT Well, no. My reasoning to that is that I had an architect come out and examine the roof. And what he told me was that after looking it over, and having been there with him for about a half an hour, we drove up and down the neighborhood. In our last meeting, we spoke specifically about seeing if we could do some type of valleys as well as putting in some sort of ridge caps in copper or some other material. His recommendation was to avoid that because all that would do is draw attention to the roof and take away from the roofs that are metal and slate that have those on there and would be out of character for any of the other shingle roofs in the neighborhood.

RR Let me see if I understand correctly. I want to make sure that I have got this right. I remember last month when we were talking about the metal roof that preceeded the existing roof. I believe you said or the prior owner said that if you went up in the attic you could see the holes or it was perforated. And that suggests that there was no sheathing underneath that metal roof. That you were actually looking at the metal roof attached to beams (not the word used, couldn't make it out but understood it to mean beams) in the attic.

RT Yes, you could basically see daylight.

RR Now, also as I understand it that the metal roof did not come off. That this shingle roof is applied on top of it.

RT No, I believe it is off.

RR Well if the metal roof came off, did they put sheathing on underneath it? Um, given the speed in which that shingle project or roofing project was done, it is hard for me to believe that that metal roof came off of there.

RT Well, help me understand when you say speed, what are you referring to?

RR It happened, based on the reports that we have, it happened very quickly. It was a day or two at the most.

RT That's not accurate. I spoke with Anne (Beckett) several times about this. Someone, whoever turned me in so to speak apparently on a Sunday, was when they said that roofing was being done and actually it was done the whole week prior too. We actually had the roof work on a Sunday because the following week there were going to be several days of rain. And we wanted to get it completed on Sunday. So it took at least a week from start to finish to complete the roof.

RR I'll take your word for it. Any questions from the board?

HW I'd just like to make a comment. I have been, since our meeting, privy to several fairly long discussions about the pros and cons of this. Although I can understand the situation that you are put in, and I don't think it is for our board to find fault or any of that, we are here and are charged to determine if there has been a proper fit or an appropriate fit. But along with that comes the message that comes with allowing something to happen as I mentioned last time, one of our particular charges besides just preserving the streetscape and individual facades of note or details of materials and unfortunately metal roofs, either standing seam or the scott metal roofs or slate roofs and terra cotta roofs are rare endangered species in the neighborhood and we need to fight like crazy for them. Unfortunately, I think this is one of the examples that I stated last time where if we have ever been caught between a rock and a hard place, we were caught between a rock and a hard place here because the alternative which we would fight in many cases would be to tell the owner that we simply do not agree with it and that the application was not sympathetic to the original materials or the character of the house. And just literally turn that down. I think that one point came out in some of the discussion that I was witness to was that whatever our decision is is that this board needs to take this as an example of us taking action to see what we can do in the future to catch projects before they get this far along. Whether there is a guilty party or an uninformed party, there are certain elements that go unrecognized because they are not required to have a building permit. And whatever that legislation or whatever it is that we get to do or need to be able to do, we've got to take this one, I feel that we need to see this one set an example that will lead us to come up with some type of action so that we can better enforce the rules. Particularly the ones that, so called slip through the cracks, and I am not pointing any blame but this is just the situation. This is one of the biggest violations that I have seen. With that said, my particular feeling on this, I agree with the assessment that adding additional detail to either the ridges or the valley of the existing shingle roof would draw more attention to it. However, I do feel that the standing seam metal on the porch is still significant material. It is the predominate material on porches and therefore should be repaired appropriately and then the awnings come off as proposed.

RT I would like to keep the metal porch roof as well. When I drove through the neighborhood and looked at the various combinations of house roofs versus porch roofs, the predominate number of asphalt shingled roofs that have porch roofs are still metal. And I think it would be consistent with what is on that street right now. It is my opinion, and we would do everything that we could to keep that metal.

RR Any other questions from the board? Any staff comments? Anyone in the audience that would like to speak to this issue? Well, speaking only for myself, I cannot support this request because that roof was not only inappropriate in terms of its contribution to the neighborhood, but we have property owners in the neighborhood who are making the investment to do their roofs right and consistent with the historic district and I don't consider it fair game to allow people to slide in and not ask and not receive consultation. And follow the appropriate procedures. As much as I dislike that awning, it will come off someday regardless. Therefore, I will not support this position. Any other comments from the board?

RT Can I make a comment as well, Mr. Richert?

RR Let's find out if anyone else from the board has a comment?

RT I don't really know how to approach this but, I understand the disdain that you have and apparently others have with the transformation that has taken place at this house. Much like Mr. Harwood said, there needs to be something put in place. I totally understand that you were put in a difficult position here. But I also think that the board needs to realize that I am not the only individual that has moved into that neighborhood and has no clue, none, no idea what the guidelines are. And apparently, unless you are using a real estate agent, and you are at the mercy of that real estate agent, giving you all the guidelines of what to follow, you cannot do anything. I am in that situation now. I didn't buy the home through a real estate agent, I bought it from an individual. I did not purposely violate any guidelines at any time and I would ask Ms. Beckett speak on behalf. I have done everything I can do to make this process easier. I have offered up every bit of information that I can provide. And maybe that doesn't matter. But I think that Ms. Beckett could say that I have probably been one of the easier people that she has worked with in this process. And while I am in apparently blatant violation of the guidelines, I can honestly say that I

didn't intend to do that. And that if I could do it all over again I'd call Ms. Beckett from day one. But I can't do that now. So I understand that you have to make a judgement call and if you choose not to approve what we have done here and what we're proposing to do, I would like a recommendation on how to move forward.

RR You'll have an opportunity to discuss it after the board takes its action. Any other comments from board members. Ms. Franklin please call the roll.

MF Mr. Harwood

HW Approved

MF Ms. Blanton

AB No

MF Mr. Schlueter

JL No

MF Mr. Stephenson

JS No

MF Mr. Richert

RR No. You'll have an opportunity to talk to Ms. Beckett about your options at this point. Your application has been denied.

RT Thank you for your time.

RR Thank you.

RT = Rhodney Tozier
RR = Robert Richert, ARB Chairman
HW = Donald Harwood
AB = Alison Blanton
JL = James Schlueter
JS = Jon Stephenson
MF = Martha Franklin



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

May 20, 2004

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Community Properties, LLC Appeal of
Architectural Review Board Decision
365 Washington Avenue, S.W.

Background:

In January 2004, a citizen advised staff that a standing-seam metal roof had been replaced with asphalt shingles on the house at 365 Washington Avenue, S.W., which is within the H-2, Neighborhood Preservation District. Ms. Anne Beckett, Architectural Review Board (ARB) Agent, followed up on the complaint and contacted Mr. Rhodney Tozier of Community Properties, LLC, who manages the property. She met with Mr. Tozier on-site to discuss the project and arrange for the required design review.

The stucco, two-story house was constructed in 1900, and now contains four apartments. The house has a wrap-around front porch that has a metal roof and features an added metal awning. The house had remained relatively unaltered until recently, when prior to Mr. Tozier purchasing the property, the house and the porch were painted.

Mr. Tozier stated that he recently bought the house and replaced the standing-seam metal roof with asphalt shingles as was recommended by his contractor, who had recently replaced a metal roof with asphalt shingles at 409 Washington Avenue, S.W. The contractor stated that the owner had obtained a Certificate of Appropriateness (COA).

Mr. Tozier's metal sheathing was replaced sometime over the week of December 29, 2003, and upon inspection by staff on January 7, the work was completed and equipment piled in the back yard. The city GIS photograph of the house that

was probably taken in October of 2001 depicts the metal roof in good condition. Apparently, the roof had been painted, but according to the owner was rusting from the inside out. Mr. Tozier stated that the current asphalt shingles are architectural grade and match the other roofs on his side of the street. While most of the roofs on the north side of the street have been changed to asphalt shingles, the south side has not.

Mr. Tozier advised staff that he was unaware that a Certificate of Appropriateness was required for asphalt shingles. Staff advised that asphalt shingles are permitted in the H-2 district, if they are similar to the original materials and that the architecturally-defining features of the building are maintained. The project was not using like materials or design and therefore required ARB approval.

Mr. Tozier then filed an application for a Certificate of Appropriateness (See Application: Attachment A). On February 12, 2004, the ARB considered the application (See Minutes: Attachment B).

At the ARB meeting, Mr. Tozier stated that the metal roofing was rusting and needed to be replaced. Mr. Robert Richert, ARB Chair, expressed concern that the Board did not have the opportunity to evaluate the condition of the metal. Mr. Don Harwood, ARB member, stated that they would have preferred repairing the metal as opposed to replacement. The previous owner of the property, Mr. George Bristol, came forward and stated that the metal was in bad condition and needed to be replaced. Mr. Robert Manetta, ARB member, stated that the new material was incompatible and that the re-roofing was not consistent with the H-2 guidelines.

Mr. Richert suggested that Mr. Tozier withdraw the request or ask for a continuance in order to consider other options for the roof. Mr. Tozier requested to table the application, which request to table the application was approved by a 7-0 vote.

On March 11, 2004, the ARB considered Mr. Tozier's amended application (See Application and Minutes: Attachments C and D).

Mr. Tozier stated that he was proposing to remove the porch awning and to repair the metal porch roof. He proposed no further modifications to the application, except that he did not want to install metal ridge and valley capping as had been suggested at the previous meeting. Mr. Richert and Mr. Harwood expressed concern for the new roofing material and the manner in which it was installed.

There being no further discussion, a roll call was taken on the request. The motion to approve the amended application failed by a 1-4 vote. Mr. Tozier was

formally notified of the denial and of his right to appeal to City Council by letter dated March 12, 2004.

Mr. Tozier filed an appeal of the ARB's decision on April 9, 2004 (Attachment E).

Considerations:

Section 36.1-345(c) of the Zoning Ordinance provides:

"The replacement of...roofing materials...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

The materials being used were not the same material or design as the original and the architectural defining features of the building were not maintained as a result of the project. The project, therefore, required a Certificate of Appropriateness.

The H-2 Architectural Design Guidelines adopted by the ARB and endorsed by City Council state that architectural styles are often identified by the form and materials of the roof, which is an important design feature. A well-maintained roof and gutter system will help prevent the deterioration of other parts of a building. Changing, removing, or adding materials or features to a roof can often alter or destroy a building's character. The guidelines further recommend the following be considered specifically when evaluating roofs:

- Identify and keep original materials and features of roofs.
- Do not remove historic roofing materials, such as slate, clay tile, wood shingles, or metal, that are still in good overall condition.
- Keep standing seam roofs painted and all seams tightly crimped.
- When it is not feasible to replace standing-seam metal roofs with the same materials, explore the use of prefabricated battened-metal roof systems.

Since January 1, 2000, there has been no request to the ARB to approve the replacement of standing-seam metal with fiberglass shingles on the main roof of a house. There have been two requests, however, including one at the April, 2004 Board meeting that were approved to replace slate shingles with architectural grade fiberglass shingles that emulated slate shingles. The projects were approved because the applicant provided sufficient detail and proposed to apply the materials in a manner that preserved the character of the structure.

Recommendation:

The Architectural Review Board recommends that City Council affirm the ARB decision to deny the issuance of a Certificate of Appropriateness.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert N. Richert", written over the printed name.

Robert N. Richert, Chairman
Architectural Review Board

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
R. Brian Townsend, Director, Planning Building and Development
Anne S. Beckett, Agent, Architectural Review Board

Roanoke Architectural Review Board Request for Certificate of Appropriateness



① Date of Application: 1/29/04

② Property address: 365 Washington

③ Property owner:

Name: Community Properties (Andrea Tozier, Travis Tozier)

Address: 1907 Belleville Rd
Roanoke, VA

Phone: 342-2244

④ Representative (contractor or agent):

Name: Tony Barnes

Address: _____

Phone: 334-5372

Department of
Planning, Building and Development
Room 156 Municipal Building
215 Church Avenue, SW
Roanoke, VA 24011

Phone: (540) 853-1730
Fax: (540) 853-1230

ARB Agents:
Anne Beckett, City Planner II
(540) 853-1522

⑤ Description of Work:

Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples).

See attached description.

⑥ Signature of owner (required)

A. C. Tozier

Section below to be completed by staff

Tax Parcel Number: 1022014

Zoning District: BM-2

Overlay district: ☐ H1 ☒ H2

Other approvals needed:

☐ Zoning Permit

☐ Building Permit

☐ Other N/A

Approval By: ☒ ARB ☐ Secretary

Approved:

Anne B. Beckett
Agent, Architectural Review Board

Date: 1-29-04

Certificate Number:

Description of Work

I am requesting a certificate of appropriateness to replace the roof at 365 Washington Avenue. I apologize for not submitting this request in advance of performing the work. I didn't realize that it was a requirement to acquire a certificate of appropriateness before replacing the roof at this address. Otherwise, I would have requested this certificate well in advance.

The prior roof at 365 Washington Avenue had pin holes in it in hundreds of places. These holes were visible in the attic and were a result of many years of rust. This rust wasn't visible from the street because the roof had been painted on the outside covering the rust. The roof was rusting from the inside out. The rust was causing leaks, which if allowed to continue, would have resulted in major damage to the house. According to the roofer I chose to perform the work, the roof couldn't be repaired. The only option was to replace the roof. The replacement roof is a shingled roof similar to every other home on its side of the block. The shingle that was used was an architectural shingle and is an upgrade over a standard 3 tab shingle that is used on many shingle roofs.

I located the roofer that I used (Tony Barnes) while he was replacing a roof at 409 Washington Avenue. This house was in a similar situation as my house. It had an existing metal roof and was replaced with a shingle roof. According to Tony, my metal roof was in worse shape than the metal roof at 409 Washington Avenue. Tony informed me after my roof was replaced that the home at 409 Washington had received a certificate of appropriateness. He assumed that I had received this certificate as well.

Unfortunately, since I am not required to get a permit from the city to replace the roof and I have never received any documentation of any kind concerning the historic guidelines of this neighborhood, I didn't realize that there were specific guidelines for replacing a roof. Also, it didn't occur to me that I couldn't replace the existing metal roof with a shingle roof because this was already being done one block from my house, and every other house on my block on my side of the street has a shingle roof. My intentions, both now and in the future, are to continue to maintain and improve the home wherever necessary. I now understand that this neighborhood has specific guidelines and I will follow those guidelines and will seek the approval of the Architectural Review Board before making any changes in the future. It is my hope that you will consider all of these circumstances when making your decision regarding the certificate of appropriateness for replacing the roof of this house.

Thank you in advance for considering this request. If you have any questions or need further information, please feel free to contact me at 342-2244.

City Architectural Review Board
February 12, 2004
Page 5

Mr. Stephenson questioned whether the peak of the arch of the gate would be higher than the top of the fence post. He said he would not like to see the arch higher than the fence.

Mr. Todaro said that he did not want the arch higher than the top of the post and that it should look like the drawing submitted.

Mr. Richert asked for staff comment.

Ms. Beckett said she had none.

Mr. Richert asked for audience comment.

There being none, he asked for all those in favor of the application as presented. The request was approved 7-0.

5. Request from Community Properties for a Certificate of Appropriateness approving an existing roof replacement at 365 Washington Avenue, S.W.

Mr. Rodney Tozier appeared before the Board and said that he and his brother were Community Properties.

Mr. Richert asked if there was anything Mr. Tozier wanted to add to his application.

Mr. Tozier thanked Ms. Beckett for her help and thanked the Board for allowing him to come before them. He said that he did not realize that the roof replacement had to come before the Board for approval.

Mr. Harwood referenced Mr. Tozier's letter and asked how damaged the metal roof was.

Mr. Tozier said that the roof had rusted through.

Ms. Botkin asked if the rust was in the eaves or the roof itself.

Mr. Tozier said that it was the roof itself.

Mr. Richert said that work that had been done before coming to the Board was very difficult for the Board to deal with. He said the Board had not had an opportunity to evaluate the problem and offer input about possible color and type of shingle.

Mr. Harwood said that the Board had had the discussion before about unique characteristics of buildings in the historic district and in terms of roofs, whether it be slate or standing-seam metal. He said he would think that the Board would have made a strong pitch for some alternative repair methods. He said that there was really no recourse to bring the roof back.

Mr. Stephenson asked the condition of the sheathing.

Mr. George Bristol, former owner of the property, said that all the sheathing had to be replaced. He said that he did look at alternatives and the entire roof was in bad shape. He then said there was no sheathing, but the roof was layered on slats. He also said he had the roof replaced after Mr. Tozier bought it.

Mr. Richert asked Mr. Bristol if he had painted the porch.

Mr. Bristol said he had.

Ms. Botkin asked Mr. Bristol how long he owned the house.

Mr. Bristol responded he owned it a couple of years.

Mr. Manetta questioned whether he knew he was in the historic district.

Mr. Bristol said he did, but he had seen another roof being replaced and didn't know he needed to go to the Board.

Mr. Richert asked for audience comment.

There was none.

Mr. Richert said the decision was extremely difficult. He said that it occurred to him that if the valleys had been done in copper as opposed to shingles, that might help. He suggested that the ridge caps could also be done in copper. He said that the roof lines were relatively complex. He also commented on the existing awning, noting that it was not characteristic of what the Board liked to see on buildings like this one. He said that there was probably no way he could support the application as submitted.

Mr. Tozier said that he understood that what had been done, had been done. He said there were things on the home right now that were a little more blatant than the roof; i.e., the awning. He said that he would be

open to taking the awning down and he would look at the cost of doing something with the copper on the valleys and ridge caps. He said he would like to have the opportunity to look into that.

Mr. Harwood said that the ridges would be easier to do and would be the first thing you see. He said it might be difficult to do the valleys because that might void the warranty on the roof.

Mr. Manetta said that he considered the material that was removed, before the Board had a chance to review it, good material. He said he found the new material very incompatible and he did not think that putting copper on it would help. He said that the owner had re-roofed the house in violation of the ordinance. He said he could not vote to issue a Certificate for this.

Mr. Richert said that Mr. Tozier could withdraw the request or ask for a continuance. He said that if the Board denied the request, then Mr. Tozier could not come back for a year with substantially the same application.

Mr. Tozier said that he probably needed to go back and see if there were any modifications that he could bring to the Board. He said he would like to table the request. He said he was sensitive to the fact that there were a lot of neighbors who have gone to a great extent to make their homes historically accurate. He said his intent was to have a home and maintain it to the best of his ability. He asked the Board to find a way of doing a better job of informing new home owners that they were in the historic district so that they did not end up in the same situation he was in.

Mrs. Blanton said that was being explored.

Mr. Richert said that Mr. Tozier was not the first petitioner to make that request.

Mr. Tozier apologized for putting the Board in this situation and said he hoped to bring this property back into a manner that would please the Board and be financially feasible for him.

It was generally agreed by the Board that they wanted the awning to be removed.

Ms. Botkin said that the metal roof really stands out because it was not changed.

There being no further discussion, motion was made by Mrs. Blanton, seconded by Ms. Botkin and approved 7-0 to continue the request to the Board's March meeting.

6. Other Discussion:

- a. Discussion of a resolution establishing a Design Application Review Committee. Motion was made, duly seconded and unanimously approved to establish a Design Application Review Committee.
- b. Mission Statement. Board members and staff discussed the wording of a mission statement for the Board. Motion was made, duly seconded and approved to adopt the following as the Board's mission statement.

The Architectural Review Board shall ensure the preservation, enhancement, and maintenance of the city's architectural, cultural and historic landmarks, buildings, signs, structures and neighborhoods.

- c. Ordinance amendment for roofing. Mr. Townsend asked the Board whether they wanted to pursue an amendment to the zoning ordinance relative to roofing or wait until the new ordinance was adopted. Mr. Richert advised that the Board should pursue making roof replacement a mandatory review by the Board. Mr. Townsend advised that he would begin the amendment process and bring it back.

There being no further discussion, the meeting adjourned at 5:20 p.m.

Roanoke Architectural Review Board Request for Certificate of Appropriateness



① Date of Application: 1/29/04

② Property address: 365 Washington

③ Property owner:

Name: Community Properties (Andrew Turner, Travis Turner)

Address: 1907 Belleville Rd

Roanoke, VA

Phone: 342-2244 (H) 342-9300 (O)

④ Representative (contractor or agent):

Name: Tony Barnes

Address: _____

Phone: 334-5372

Department of
Planning, Building and Development
Room 166 Municipal Building
215 Church Avenue, SW
Roanoke, VA 24011
Phone: (540) 853-1730
Fax: (540) 853-1230

ARB Agent:
Anne Beckett, City Planner
(540) 853-1522

⑤ Description of Work:

Include details of construction, dimensions, and the materials that will be used. Attach supporting information to the application (e.g. scaled drawing, photographs, and samples).

See attached description.

- REVISED PER ATTACHED DESCRIPTION 2.26.04
AFB

⑥ Signature of owner (required)

A. C. Turner

Section below to be completed by staff

Tax Parcel Number: 1022014

Zoning District: RM-2

Overlay district: ☐ H1 ☒ H2

Other approvals needed:

☐ Zoning Permit

☐ Building Permit

☐ Other N/R

Approval By: ☒ ARB ☐ Secretary

Approved:

Anne S. Beckett
Agent, Architectural Review Board

Date: 1.29.04

Certificate Number:

Description of Work

I am requesting a certificate of appropriateness for the roof replacement at 365 Washington. The roof has been replaced and is now a shingle roof. I also have a metal porch roof that hasn't been addressed.

I am proposing that the existing shingle roof remain and I am prepared to take steps to repair/replace the metal porch roof. I am open to the board's suggestions as to whether it would be appropriate to repair and paint the metal porch roof or to replace it with a shingle roof that matches the house roof. Additionally, I propose to remove the awnings on the porch and replace/repair and repaint any woodwork wherever necessary.

Thank you in advance for considering this request. If you have any questions or need further information, please feel free to contact me at 342-2244.

CITY OF ROANOKE
ARCHITECTURAL REVIEW BOARD
MARCH 11, 2004

MINUTES

The regular meeting of the Architectural Review Board was held on Thursday, March 11, 2004, in the City Council Chamber of the Noel C. Taylor Municipal Building. The meeting was called to order by Robert Richert, Chairman, at 4:01 p.m. Attendance was as follows:

Members Present:

Alison Blanton
Don Harwood
Robert Richert
James Schleuter
Jon Stephenson

Members Absent:

Barbara Botkin
Robert Manetta

The following items were considered:

1. Approval of Minutes – February 12, 2004.

There being no additions and/or corrections, motion was made, duly seconded and approved to approve the minutes as written.

2. Request from Roanoke Congregational Holiness Church for a Certificate of Appropriateness approving a handicap ramp at 349 Mountain Avenue, S.W.

Mr. Richert moved this item to the end of the agenda in hopes that a representative from the church would be in attendance. As no one was in attendance to represent the church, motion was made, duly seconded and approved to continue the matter until the Board's April meeting.

3. Request from Community Properties for a Certificate of Appropriateness approving an existing roof replacement at 365 Washington Avenue, S.W.

Mr. Rhodney Tozier appeared before the Board and said that he was proposing to remove the awning. He asked that the Board help him make a decision on the existing porch roof. He said that he would like to keep the porch roof as metal and repair it. He noted that he could, however, make it consistent with the shingle roof.

Mr. Richert asked if Mr. Tozier was proposing any modification to the roof of the house.

Mr. Tozier responded that he was not. He said that he had talked over the suggestions made by the Board (addition of copper ridges and valleys) with an architect, who had advised him to avoid those changes, which would draw more attention to the roof. He said that to make those changes would make the roof out of character with other roofs in the neighborhood.

Mr. Richert asked if he had understood at the last meeting that there was some sheathing underneath the shingles.

Mr. Tozier said that was correct.

Mr. Richert said that it was hard for him to believe that the metal roof had been removed because of the speed in which the shingle roof had been put on the house.

Mr. Tozier advised that it took at least a week from start to finish to complete the roof.

Mr. Harwood said the Board was charged to determine whether a proper fit had been made and another charge was to preserve the streetscape and individual facades. He said that metal and slate roofs were endangered in the neighborhood. He said he felt this particular roof needed to be an example that would lead the Board to come up with some type of action for those that slip through the cracks. He said that he agreed with Mr. Tozier's architect's assessment of the ridges and valleys. He also said that he would like to see the standing seam metal porch roof repaired and the awning removed.

Mr. Tozier said that he would like to keep the metal porch roof as well. He said that he had driven through the neighborhood and consistently found structures with shingled house roofs and metal porch roofs.

Mr. Richert asked for audience comment.

There being none, he said that, speaking only for himself, he could not support the request. He said the roof was inappropriate. He said there were property owners in the neighborhood who were doing their roofs the right way and following appropriate procedures. He said that he would not support the petition. He asked for further comments.

Mr. Tozier said that he understood the disdain the Board had with the transformation of the house. He said there needed to be something in place to keep this from happening to other homeowners. He said that he was not the only person who had moved into the neighborhood and not had a clue about the regulations. He said he did not purposely violate any of the guidelines. He said that if the Board chose not to approve the request, he would like to know how to move forward.

There being no further discussion, a roll call vote was taken on the request. The Certificate was denied by a vote of 4-1, as follows:

Mr. Harwood - yes
Mrs. Blanton - no
Mr. Schleuter - no
Mr. Stephenson - no
Mr. Richert - no

Mr. Richert advised Mr. Tozier that he could speak with Anne Beckett about his options.

4. Request from Steven Dugger for a Certificate of Appropriateness approving an existing window replacement at 717 Highland Avenue, S.W.

Mr. Richert asked Mr. Dugger if he had anything to add to his application.

Mr. Dugger said that he had changed the windows because of the dust and noise from the adjacent railroad tracks. He said that he did not know he needed approval from the Board for windows. He said he did get a Certificate from the Board last year when he built a deck.

Mr. Harwood said that there was a problem with having replacement windows that match the same configuration and shadow line as the original window. He said that Mr. Dugger's replacement windows had no shadow line. He asked if the manufacturer could provide a muntin bar for the windows.

Mr. Paul Graybill, builder, appeared before the Board and said that he might be able to get that done. He said that the Board's guidelines say that what he had installed was appropriate. He said he could have a muntin milled and painted if that was the issue. He said he did not change the opening.

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

| | | |
|----------------------------------|---|----------------------------|
| IN THE MATTER OF |) | |
| |) | <u>PETITION FOR APPEAL</u> |
| RHODNEY TOZIER and TRAVIS TOZIER |) | |
| d/b/a COMMUNITY PROPERTIES, LLC |) | |

This is a Petition for Appeal from a decision of the Architectural Review Board under Section 36.1-642(d) of the Zoning Ordinance of the Code of the City of Roanoke (1979), as amended.

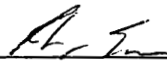
1. Name of Petitioner(s): **Rhodney Tozier and Travis Tozier**
2. Doing business as (if applicable): **d/b/a Community Properties, LLC**
3. Street address of property which is the subject of this appeal:
365 Washington Avenue
4. Overlay zoning (H-1, Historic District, or H-2, Neighborhood Preservation District) of property(ies) which is the subject of this appeal: **H-2**
5. Date the hearing before the Architectural Review Board was held at which the decision being appealed was made: **March 11, 2004**
6. Section of the Code of the City of Roanoke under which the Certificate of Appropriateness was requested from the Architectural Review Board (Section 36.1-327 if H-1 or Section 36.1.345 if H-2): **Section 36.1-345**
7. Description of the request for which the Certificate of Appropriateness was sought from the Architectural Review Board: **The Petitioner replaced the roof on the structure without seeking a Certificate of Appropriateness. The action was done innocently. A metal roof was replaced with asphalt shingles. The former metal roof was in a state of disrepair.**
8. Grounds for appeal: **The Architectural Review Board denied the Certificate of Appropriateness. The staff comments were that the Petitioner replaced the roof prior to advising the City staff and, thus, the staff had no opportunity to assess the pre-existing condition. The Petitioner submits that there was a definite and immediate need to replace the roof, and that the replacement roof is appropriate in that it is similar to other roofs which have received a Certificate of Appropriateness.**

9. Name, title, address and telephone number of person(s) who will represent the Petitioner(s) before City Council: **Edward A. Natt, Esq., 3912 Electric Road, Roanoke, VA 24018, 540-725-8180**

WHEREFORE, your Petitioner requests that the action of the Architectural Review Board be reversed or modified and that a Certificate of Appropriateness be granted.

OWNER/PETITIONER:

**RHODNEY TOZIER and TRAVIS TOZIER
d/b/a COMMUNITY PROPERTIES, LLC**


Rhodney Tozier

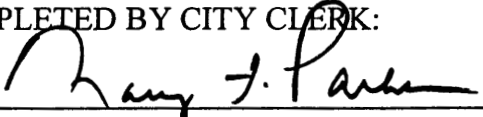

Travis Tozier

PETITIONER'S REPRESENTATIVE:


Edward A. Natt, Esq.

TO BE COMPLETED BY CITY CLERK:

Received by:



Date:

04-09-04